The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

This document contains handwritten text that may be partially illegible due to age, penmanship, or deterioration of the medium. LLMC has scanned the material in the same format and page order in which it is maintained in the source document taken from the collection "Records of the States of the United States of America, a microfilm compilation."

Court met pursuant to adjournment. Present as on yester-day. The record of yesterdays proceedings is read and approved

The People of New Mexico
Appellee

97 vs.

Basilio Perea
Appellant

} Appeal from First Judicial District Court Santa Fe County Chief Justice. McLeandless.

This cause having been argued and submitted to the Court by Counsel at a former day of this term, and the Court having then taken the same under advisement, and being now sufficiently advised in the premises, announces its decision, through Associate Justice Bristol, ~~Reversing~~ the Judgment of the Court below

It is therefore Considered, that the judgment of the District Court for the County of Santa Fe, in said cause be- and the same is hereby ~~Reversed~~. And It is further Ordered and Adjudged that said cause be, and the same is hereby remanded to the said District Court, with directions to award a new trial therein, and for such further proceedings in said Cause as shall be required by law. And the Praecipe of said Appellant Counsel filed and ordered to be recorded

John Townsend an Alien and native of Great Britain appeared in Open Court and made application to be Naturalized under the laws of the United States. And it appearing to the satisfaction of said Court from the documentary evidence submitted by the Applicant that the said John Townsend has been in the Military service of the United States, as a Soldier of the regular Army three years, for a term of one year, and has been honorably discharged therefrom and it also appearing by the testimony of Thomas H Calvin and William Breeden, Citizens of the United States aforesaid that the Townsend has been a resident of the Territory of New Mexico for at least one year last past, and that during all said time he has behaved as a man of good moral character attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. Whereupon the said John Townsend in open Court here made Oath that he will support the Constitution of the United States and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever, and particularly to Victoria, Queen of the United Kingdom of Great Britain and Ireland, whose subject he was. And Whereupon It was Ordered by the Court, that a Certificate of Naturalization

be granted to the said John Townsend. upon payment by him of the costs of this application

Ordered that Court be now adjourn until tomorrow morning at the hour of ten Oclock

Hom. C. Parks
Judge
Attest.
Clerk

Ninth Day. Wednesday January Fifteenth A D 1879.

Court met pursuant to adjournment. Present as on Yesterday The record of yesterdays proceedings is read and approved

No 95

Bernard Neal
Appellee

vs

John R Magruder
Appellant

Appeal
Third Judicial District Court
Grand County.
Circuit Justice. Thomas J Smith

The motion of the said Appellee. filed herein at a former day of this term. (praying that the transcript herein presented by the said Appellee may be filed. and said cause docketed. the appeal dismissed. and the judgment of the Court below affirmed. with a writ of procedendo awarded to said Court) came now on to be heard. and was argued by Mess Calvin & Merrill for the Appellee. and by J. F Lemmay Esq for the Appellant. and the argument being concluded is submitted to the Court. and the Court not being fully advised in the premises. It is Ordered that said cause be docketed. and that it stand Continued until the next term of this Court. with leave given the said Appellant. until first day of said term to show cause. why the transcript from the Court below. was not filed. and the cause docketed in time for the present term hereof. as by law required

Ordered. that in all causes. which were Continued during the present term of this Court. for the reason that one of the Justices of this Court. presided as Judge in the Court below during the trial of the same. that the Appellants and Plaintiffs in Error. have leave. until September 1st 1879 in which to file Assignments of Errors and Briefs. and that immediately thereafter. they notify the opposing party of the filing. and furnish with said notice Copies of the same. And that the Appellees and Defendants in Error. have until the first day of December 1879. in which to file [illegible] of Error.

Ordered that Court do now adjourn until tomorrow morning at the hour of Nine Oclock.

Saml C Parks
Judge
Warren Bristol
Assoc Judge

Sixth Day. Thursday January Sixteenth A.D. 1879

Court met pursuant to adjournment. Present as on yesterday. The record of yesterdays proceedings is read and approved

89

William Rosenthal
Appellee

vs

John S. Chisum
Appellant

} Appeal
Second Judicial District
Bernalillo County
A. Justice. Saml B. McLin

This cause having been argued and submitted to the Court on a former day of this Term and the Court having then taken the same under advisement and it now being sufficiently advised in the premises. announces its decision through Associate Justice Bristol, affirming the judgment of the Court below. It is therefore Considered by the Court. that the judgment of the Court below in this Cause be and the same is hereby affirmed. with interest at the rate of Six per cent per annum since the rendition of the same. to wit on the Sixth day of October A.D. 1877. And that the said Appellee William Rosenthal. recover of the said Appellant John S. Chisum. the amount of said Judgment and interest amounting to the sum of Twenty five hundred and fifty two dollars and forty three cents. and also his costs in this behalf expended as well in the Court below. as in this Court to be taxed. And it appearing to the Satisfaction of the Court that A. A. McSween and Felix McKittrick are securities on the bond of the said Appellant. conditioned for the payment of all costs which might accrue by reason of the appeal herein, should the judgment of the Court below be affirmed. or the Appeal dismissed, And the death of A.A. McSween. one of said securities being here suggested to the Court. It is further Considered and Adjudged that the said Appellee William Rosenthal. recover of the said Appellant John S. Chisum. and Felix McKittrick his surety all costs. which have and may yet accrue, in this cause by reason of the appeal from the Court below. as well in said Court as in this Court to be taxed. And that Execution issue therefor

written Opinion filed and ordered to be recorded

The Territory of New Mexico
Appellee
vs
Ignacio Rivera
Appellant

Appeal from
First Judicial District
Santa Fe County
Chief Justice Chas. McCleave

This cause having been argued by Counsel, and submitted to the Court at a former day of the term, and the Court having thus taken the same under advisement, and being now sufficiently advised in the premises announces its decision through Associate Justice Parker, setting aside the Judgment of the Court below, and remanding the cause to said Court for a new trial

It is therefore considered that the Judgment of the District Court for the County of Santa Fe, in said cause be, and the same is hereby set aside. It is further Ordered and adjudged that said cause be and the same is hereby remanded to said district Court, with directions to award a new trial therein, and for such further proceedings in said cause, as shall be required by law, and the practice of said Court. Written opinion filed and ordered to be recorded

Ordered that Court do now adjourn until tomorrow morning at the hour of nine Oclock

Sam C Parker
Justice
Warren Bristol
Clerk

Eleventh Day. Friday January Seventeenth A D 1879.

Court met pursuant to adjournment. Present as on yesterday The record of yesterdays proceedings is read and approved

Whereas John Sherman Jr United States Marshal, has rendered to this Court an account of his fees and disbursements at and previous to the present term of this Court, with the vouchers and items thereof and in presence of Thomas B. Catron Esq. Acting United States Attorney has proved on oath to the satisfaction of the Court, that the services and therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged, have been fully paid in lawful money, and whereas said charges appear to be just and according to law. It is hereby Ordered that the said account amounting to One Hundred and Thirty two and 00/100 dollars be, and the same is hereby approved

Whereas. John A. Thomson late Clerk. has rendered to this Court an account of his fees at the present term of this Court, with the items thereof and in presence of Thomas B Catron, acting United States Attorney has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and whereas said charges appear to be just and according to law. It is hereby Ordered that said account amounting to Sixty three dollars be. and the same is hereby approved

Ordered that the following allowances be. and they are hereby made to officers of the Court. to wit

Thomas B Catron Esq.	Acting United States Attorney	11 Days		$55.00
John Sherman	United States Marshal	"	"	55.00
John A. Thomson	Clerk	"	"	55.00
Epifanio Vigil	Sheriff	"	"	22.00
George Howland	Bailiff	"	"	22.00

Ordered that Jose D Sena Sheriff of this County of Santa Fe be. and he is hereby allowed for Eleven days attendance. the sum of Forty four dollars. to be paid by the Treasury of New Mexico

Whereas Thomas B Catron United States Attorney has rendered to this Court an account of his fees at the January 1876. term of this Court. with the items thereof. and has proved on oath to the satisfaction of the Court. that the services therein charged have been actually and necessarily performed as therein stated. and whereas said charges appear to be just and according to law. It is hereby Ordered that said account amounting to Sixty Dollars be. and the same is hereby approved

Whereas Thomas B Catron United States Attorney has rendered to this Court an account of his fees at the January 1877. term of this Court. with the items thereof. and has proved on oath to the satisfaction of the Court. that the services therein charged have been actually and necessarily performed as therein stated, and whereas said charges appear to be just and according to law. It is hereby Ordered that said account amounting to Thirty five dollars. be. and the same is hereby approved

Whereas. Thomas B Catron United States Attorney has rendered to

First Day January Term A. D. 1880

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fé, New Mexico, on the first Monday of January A.D. One Thousand eight hundred and eighty, the same being the fifth day of January A.D. 1880

Present

Hon. L. Bradford Prince, Chief Justice of the Supreme Court of the Territory of New Mexico

Hon Samuel B. Parks, Associate Justice of said Territory

Jose D. Sena, Esq. deputy and acting United States Marshal for the District of New Mexico

John H. Tinnum, Clerk of said Court

Jose D. Sena Esq. Sheriff of the County of Santa Fé

Ordered that Court do now adjourn until tomorrow morning at the hour of ten o'clock

Second Day, Tuesday January Sixth A.D. 1880

Court met pursuant to adjournment. Present as on yesterday, viz:

Hon. Henry L. Waldo, Attorney General for said Territory,

The records of yesterday proceedings read and approved,

Cornelius Bennett et al Appellants
vs
Jesus M. Sánchez et al Appellees

Appeal from Third Judicial District

Ordered that this cause be set down for hearing on Wednesday next

Charles P. Miller et al Appellants
vs
Jesus Baca y Salazar et al Appellees

Appeal from Third Judicial District

Ordered that Bennett et al

Day [illegible] A. D. 18[illegible]

[illegible] Court [illegible] Term [illegible] Court [illegible] A. D. 18[illegible]

[illegible] Mutual Ins. Co.
vs.
[illegible] Mutual Ins. Co.
Appellee

[illegible] Appellant
vs.
[illegible] Mutual Ins. Co.
Appellee

[illegible] Appellant
vs.
[illegible] Mutual Ins. Co.
Appellee

Eq. Appeal taken in vacation. Transcript filed and docketed for final hearing

This cause coming on to be heard upon the transcript of the record and proceedings herein and upon the motion of Mr. [illegible] solicitor for appellee that the appeal herein be dismissed with costs, and it appearing to the Court that the appellant has failed to comply with the rule of this Court, and thereupon the said motion is sustained and the appeal herein dismissed with costs to the appellee.

This cause coming on to be heard upon the transcript of the record and proceedings herein and upon the motion of Mr. [illegible] solicitor for appellee that the appeal herein be dismissed with costs, and it appearing to the Court that the appellant has failed to comply with the rule of this Court, and thereupon the said motion is sustained and the appeal herein dismissed with costs to the appellee.

Ordered that this cause be now advanced until the next succeeding at the hour of ten o'clock A.M.

L. Breese Stevens C.J.
Sam. H. Parks
Judge

Third Day ... Wednesday January Seventh A. D. 1880

Court met pursuant to adjournment & proceeded as on yesterday. The record of yesterdays proceedings is read and approved.

87 Lewis Tennell et als
Appellants
vs
Jane A. Bassett
Appellee
} Appeal from Third Judicial District
A. J. Briel
This cause now came on to be heard upon the transcript of the record & briefs of counsel & was argued by Messrs Hunter and Brewer on behalf of Appellants, & Mr Appleman for the Appellee. And the Court being sufficiently advised in the premises finds that there is no error in the decree & that the same should be affirmed with costs.

88 Thomas C. Yates
Plaintiff in Error
vs
Lucius Whitman et al
Defendants in Error
} Error from 2nd Judicial District Grant County
A. J. Briel
Ordered that the proceedings this day had be set down for Monday next.

100 Silas Barclay et Hawkins
Appellants
vs
Jesse W. Lowe
Appellee
} Appeal from 3rd Judicial District
A. J. Briel
Now came the said Appellants by Mr Alexander Mineral, and says he his Court here will the court further proceed in the premises because he says that the said Appellee Jesse W. Lowe deceased by his Last Will & Testament devised all his property to the said Appellants & appointed them executors of his said Last Will & Testament & that they have duly proved the same & taken out letters testamentary thereon & that said Last Will & Testament is now in full force & effect.

Walter Brown
Appellee
vs
Jesse W. Wood
Appellant
} Writ of Error
to 2nd Judicial District Colfax County

Day [illegible] A. D. 18[illegible]

[illegible] Ordered that the hearing of this cause be adjourned for [illegible] next.

Ordered that [illegible] of [illegible] be [illegible] until [illegible] morning at the hour of [illegible]

L Bradford Prince Ch
Sam'l C Parks
Judge

Fourth Day. Monday January Eighth A D 1858

Court met pursuant to adjournment. Present as on yesterday. No record of proceedings for Saturday and Sunday.

No Court was opened Crier, Bigelow, Sheriff; and he is duly sworn as such. — Trial of this cause [illegible] by omitted from Monday's record. The Ordered that the Court be now [illegible] until

Ordered that [illegible] be now adjourned until tomorrow morning at the hour of [illegible]

L Bradford Prince Ch
Sam'l C Parks
Judge

Eighth Day Monday January 8th A. D. 1880

Court met pursuant to Adjournment. Present as on yesterday. The record of yesterdays proceedings is read & was approved

Now comes Sidney M Barnes Esq an Attorney and Counsellor of this Court and moves the Court that Wilkins Watson Esq. be admitted to practice as an Attorney and Counsellor of this Court. And thereupon the Court appoints a Committee of the bar, consisting of William J. Sheridan, Eugene A Sheets & Charles Gleason Esquires, to enquire into and report upon the documentary evidence submitted with said motion, touching the qualifications and fitness of said applicant to become an member of the bar.

It is Ordered that Rule Second, of the Rules and Practice of this Court be, and the same is hereby amended so as to read as follows to wit

Rule Second

Sec 1 It shall be requisite to the admission of Attorneys or Counsellors to practice in this Court, that they shall have been duly admitted as such in a District Court of this Territory except as provided in the next Section

Sec 2nd Persons who have been admitted, and have practiced three years as Attorneys in the highest Courts of original jurisdiction in another Territory or State, may be admitted by this Court without examination to practice in this Court save the Districts Courts of this Territory; but such persons must be residents of this Territory at the time of such application, and must furnish satisfactory proof, that they have been duly admitted to practice, and for at least three years previously have been practicing Attorneys in the highest Courts of original jurisdiction in the State or Territory from which they came, and also furnish the Court with satisfactory evidence of good moral character. The evidence of good moral character, shall be the Certificate of a Counsellor of this Court, of some other respectable person, known to the Court, and the Court must be satisfied on that point before acting.

The Committee of the bar to whom was referred the motion, and evidence touching the qualification and fitness of William Watson for admission to practice as an Attorney and Counsellor of this Court, now file their report, from which it appears that the said Applicant is entitled to admission as prayed for. It is therefore Ordered that the said William Watson be, and he is hereby admitted to practice

Sixth Day Friday January Ninth A. D. 1880

as the Attorney and Counsellor of this Court. And thereupon the said William Watson appeared in open Court and took the official oath as an Attorney and Counsellor prescribed by the rules of this Court

Ordered that Court do now adjourn until tomorrow morning at the hour of ten Oclock

L Bradford Prince C.J.
Sam'l C. Parks
Judge.

Sixth Day. Saturday January Tenth A D 1880

Court met pursuant to adjournment. Present as on Yesterday. The record of Yesterdays proceedings is read and approved

Ordered that Court do now adjourn until Monday morning at the hour of ten Oclock.

L. Bradford Prince C.J.
Sam'l C. Parks
Judge.

Seventh Day. Monday January Eleventh A D 1880

Court met pursuant to adjournment. Present as on Saturday. The record of yesterdays proceedings is read and approved.

Now comes Edward Muller a native of Saxony and makes application to become a Citizen of the United States. And it appearing to the satisfaction of the Court that more than two years ago. the said Edward Muller made oath before A. De Marle, Clerk of the District Court of the First Judicial District Court of the Territory of New Mexico, on the Holy Evangelists of Almighty God, that it was then his intention to become a Citizen of the United States and renounce and abjure forever all allegiance and fealty to every Foreign Power, Prince, Potentate, State and Sovereignty whatsoever, and particularly all allegiance and fealty to Johan Nepomuk King of Saxony.

And it being proven to the Court by the testimony of Thomas J. Conway and Thomas B. Leyton, Citizens of the United States, who were examined on their oaths, as witnesses, that the said Edward Muller

Was recalled continuously within the United States for seven, and one year at least immediately preceding the application, and the Territory of New Mexico; and that during that time he has conducted as a man of good moral character, attached to the Principles of the Constitution of the United States, and well disposed to the good order and happiness of the same: And thereupon the said Edward Mueller made oath that he would support the Constitution of the United States, and that he does absolutely and forever renounce and abjure all allegiance and fidelity to William, Emperor of Germany and that thereupon the Court admits the said Edward Mueller to become a Citizen of the United States.

Ordered that Charles McConkle be and he is hereby appointed Crier to the Court, whereupon the said Charles McConkle appeared in open Court and was duly sworn as such. This order was inadvertently omitted from the record of Monday last

It is Ordered that the Cause be now entered Nunc pro tunc

58 Solomon & Kiddle
Plff in Error
vs
Joseph H. Bennett et al
Defendt in Error
} Error from Third Judicial District County

Ordered that this cause be set for Argument on Tuesday morning

101 Benjamin Shaw
Appellant
vs
Ellis Meyer et al
Appellees
} Appeal from Second Judicial District County

Ordered that this cause be set down for Argument for Thursday next.

95 Bernard Weil
Appellee
vs
John M. Mugan et al
Appellant
} Appeal from Third Judicial Dist. Ct

Now comes on to be heard the Motion of the Appellee to dismiss the Appeal herein for the reason that the Appellant not having docketed the cause in Court by law, which said motion was argued by

January Day Monday January the 6th A. D. 1851

the proceedings parties, and the Court being fully advised in the premises doth find that said motion is hereby granted. Whereupon Comes on to be heard the motion of the defendant by his Attorney J H. Leeman Esq. to docket the cause, which is argued and submitted, together with affidavits in support of same, and the Court fully advised in the premises doth find said motion to be well taken, and it is hereby ordered that the plaintiff in error pay all costs incurred by the said appellee in preparing transcript and docketing the cause. It is further ordered that the cause be and is hereby set down for argument for Thursday next.

Ordered that Court do now adjourn until tomorrow morning at the hour of ten Oclock

S Bradford Clerk
Saml C Parker
Deputy

Enoch Knox Esquire appears in Court

Court now proceeds to call its docket. Present as yesterday as also the Attorneys of record. Whereupon the Court proceeds to read and approve the record of yesterdays proceedings.

On motion of Eugene A Fiske Esq. an Attorney of this Court It is Ordered that J Francisco Chaves Esq. a member of the bar of the Second Judicial District Court of this Territory, and he is hereby admitted to practice as an Attorney and Counsellor of this Court, and thereupon the said J Francisco Chaves appears in open Court and took the official oath prescribed by the rules of this Court

Hardin S. Drummond
Plaintiff in Error
vs
Martin W Brennen
Defendt in Error
} Error from 2nd Judicial District Ct

Now comes on to be heard the motion of the said Hardin S Drummond, by his Attorneys Wm Z Conway and Risque, to grant a Certiorari for a Transcript of the record in this cause, which after being argued by Counsel for the respective parties is submitted, and the Court being

Entered ... Day ... Monday ... January ... Thirteenth ... A. D. 1880

Application entered in the Journal Book of this Court and notice hereby ordered that said motion be argued & hereby determined. Counsel heard. It is Ordered that this cause stand for argument on Thursday next

96 Pleiter Brown
Appellee
vs
Jesus G. Abrea
Appellant
} Appeal from 1st Jud Dist Dallas County

Ordered that the argument of this cause be, and is hereby continued for tomorrow morning

95 Ygnacio Herrera
Appellant
vs
Victoria Jose Chavez et als
Appellees
} Appeal from Webb District Court

Ordered that Appellant's Counsel be, and are hereby given until tomorrow morning to file briefs herein

Ordered that Court do adjourn until tomorrow morning at the hour of ten o'clock.

L. Bradford Prince
Chief Justice
Judge
Warren Bristol

16th Day [illegible] A. D. 18[illegible]

Leave was granted to add amendment. Cause ordered as on yesterday. The record & yesterdays proceedings as read and approved.

96 Peter Boyce
Appellee
vs
Jesse L. Green
Appellant
} Appeal from 1st Instance Court

Ordered that this cause be set down for argument on Friday next.

97 William Garland
Plaintiff in Error
vs
Bartlett Brown
defendant in Error
} Error to Second Instance Court

Plaintiff in Error in this cause & Defendant in Error cause by. Messrs Eaton & Sherman and Arthur Ferguson Esqrs. and it appearing to the parties hereto. this Cause is submitted on the Briefs filed herein. And the Court not being fully advised in the premises take the same under advisement

98 Ignacio Herrera
Appellant.
vs
Antonio José Chaves et al
Appellees
} Appeal from 2nd Instance Court

Ordered that this cause be set down for argument on Saturday next

Clarence P. Kidder
Plaintiff in Error
vs
88 Joseph F. Bennett et al
Defendant in Error
} Error from Second Instance Court

Now comes on to be heard the motion of the defendants in Error - Juring to dismiss the writ of error herein. which is argued by Messrs F. Conway Esq on the part of the Plaintiff in Error. and by

[illegible]

Wm. H. Bradford Clerk
Sam'l C. Parks
Deputy Clerk

Tenth Day. Thursday. January. Fifteenth A.D. 1880

Court met pursuant to adjournment. Present as on yesterday. The record of yesterdays proceedings was read and approved.

86 | State of Indiana
vs Office Error
Martin H. Brenner
Defendant in Error | Error from Third Judicial District

Ordered that this cause stand for Argument on Friday next.

25 | Territory of New Mexico
Appellee
vs
Richard Kinnie
Appellant | Appeal from Third Judicial District

Ordered that the said Appellant Richard Kinnie have until January 20th to file his brief herein

Bernard Weil
Appellee | Appeal from Third Judicial District

vs
John H. Mayhew
Appellant

This cause now came on to be heard on the Transcript of the record [illegible]

of the Appellant. And it is Ordered that the Appellee do recover against the Appellant his costs by him about his Appeal in this behalf expended, and have execution therefor.

Benjamin Lines
Appellant

101

Felix Grundy et al
Appellees

} Appeal from Circuit Superior Court

This cause came on to be heard, and was argued by Mr Ingersoll on behalf of the Appellant, and Mr Spencer Brown on behalf of the Appellees, and the Argument being concluded, it is submitted to the Court for its decision, and the Court not being fully advised in the premises, takes the same under advisement.

Ordered that Court do now adjourn until tomorrow morning at the hour of ten o'clock

L Bradford Prince
Sam'l Parker J.
Warren Bazelet

Eleventh Day. Friday January Sixteenth A.D. 1880

Court met pursuant to adjournment. Present as on Yesterday. The record of Yesterdays proceedings is read and approved.

Stanton S. Brannin
Plaintiff in Error
vs
Stanton N Brannin
Defendant in Error

86

} Error Third Judicial Dist-

This cause came now on to be heard, and was argued by Thomas F Kenney Esq on behalf of the Plaintiff in Error, and by S. B. Newcomb Esq on behalf of the defendant in Error, And the Argument being concluded, it is submitted to the Court for its decision, and the Court not being fully advised in the premises, takes the same under advisement.

Nebeker Brown
Appellee

} Appeal from 1st Judicial Dist

44

Eleventh Day Friday January Sixteenth A. D. 1880

James C. Aiken
v Appellant.

This cause came next on to be heard and was argued by Thomas B. Cabot Esq on behalf of the Appellant. when

It is Ordered that Court do now adjourn until tomorrow morning at the hour of ten Oclock

L Bradford Prince J.
Sam C Parks
Warren Bristol

Twelfth Day. Saturday January Seventeenth A D 1880

Court met pursuant to adjournment. Present as on yesterday. The record of yesterdays proceedings is read and approved.

Wesley Brown
Appellee
vs
James C Aiken
Appellant

} Appeal from
Probate Decree

This cause again came on to be heard and was argued by Mess Cabot and Thornton on behalf of the Appellant. and by Hamlet Springer Esq on behalf of the Appellee. when the argument being concluded it is submitted to the Court for decision, and the Court not being fully advised in the premises, takes the same under advisement.

Ordered that Court do now adjourn until Monday morning at the hour of ten Oclock.

L Bradford Prince J.
Sam C Parks
Warren Bristol

Thirteenth Day. Monday January Seventeenth 1880

Court met pursuant to adjournment. Present as on Saturday. The record of Saturdays proceedings is read and approved

Wednesday Day 4th January Term A. D. 1860

Appeared Julius Mc Vicar Esq an Attorney and Counsellor of this Court, and moves the Court, the admission of Laurence S. Trimble Esq, as an Attorney and Counsellor of this Court as well as of the District Courts throughout the Territory

Whereupon the Court appointed a Committee of the Bar Consisting of A. J. Hamilton, Eugene A. Hicks and William G. Hazledine Esquires, to inquire into, and report upon the motion and papers submitted therewith, touching the qualifications and fitness of the said Laurence S. Trimble to become an Attorney and Counsellor as prayed for

Now comes Thomas F. Conway an Attorney and Counsellor of this Court, and moves the admission of William G. Hindees Esq as an Attorney and Counsellor of this Court as well as the District Courts throughout the Territory

Whereupon the Court appointed a Committee of the Bar Consisting of A. J. Hamilton, Julius Mc Vicar and L. Warren Clark Esquires, to inquire into, and report upon the motion and papers submitted therewith, touching the qualifications and fitness of the said William G. Hindees to become an Attorney and Counsellor as prayed for

98 Ygnacio Herrera Appellant vs Antonio José Chaves et al Appellees. } Appeal from Second Judicial District

This cause came now on to be heard and was argued by Mr. Hazledine and Wales on behalf of the Appellant and by Mr. Mc Vicar Esq on behalf of the Appellees, and the Argument being concluded, the Cause is submitted to the Court for its decision, and the Court not being fully advised in the premises, reserves its opinion

The Committee of the bar to whom was referred the motion and papers, touching the qualification and fitness of Laurence S. Trimble Esq. for Admission to practice as an Attorney and Counsellor of this Court, as well in the District Courts throughout the Territory, now files its report: from which it appears, that the said applicant is entitled to admission as prayed for

It is therefore Considered that the said Laurence S. Trimble be, and he is hereby admitted to practice as an Attorney Counsellor and Solicitor of this Court, as well in the

Deadrick Lewis. Throughout the Territory. And thereupon the said Laurence S. Trimble appeared in open Court and took the official oath prescribed by the rules of this Court as an Attorney, Counsellor and Solicitor

The Committee of the Bar. to whom was referred the motion and papers, touching the qualification and fitness of William B. Childers Esqr. for admission to practice as an Attorney. Counsellor and Solicitor of this Court, as well as in the District Courts throughout the Territory, now files its report, from which it appears that the said applicant is entitled to admission as prayed for. It is therefore considered that the said William B Childers be and he is hereby admitted to practice as an Attorney, Counsellor and Solicitor of this Court, as well as in the District Courts throughout the Territory. And thereupon the said William B. Childers appeared in open Court and took the official oath prescribed by the rules of this Court, as an Attorney. Counsellor and Solicitor

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'clock

L Bradford Prince J
Saml C. Parks
Warren Bristol

Fourteenth Day Tuesday January Twentieth A D 1880

Court met pursuant to adjournment. Present as on yesterday
The record of yesterdays proceedings is read and approved.

Guadalupe Thompson. Administratrix of the Estate of Alpha Tabor deceased, George Thompson her husband &c. & George Boyles. Guardian Ad Litem of Charles Tabor. Julian Tabor &c. & Alonzo Silas Tabor — The Maxwell Land Grant and Railway Company Lucien B Maxwell &c. & Luz B Maxwell his wife

Mandate from Supreme Court of United States

The above entitled Cause having been removed from the Supreme Court of the United States, to this Court by a Mandate which contains the following Order to wit " Whereas at the present Term of October in the year of our Lord One thousand eight hundred and seventy-seven (1877) the said cause came on to be heard before the said Supreme

[illegible] Now on this day [illegible] Attorneys [illegible] Esq
[illegible] Esq Attorneys for Plaintiff [illegible] Esq Attorneys for Defendants
[illegible] Esq Attorneys for [illegible] Esq Attorneys for [illegible]

19th 1880. and filed herein, It is Ordered in accordance with the said Stipulation, that the transcript in the above entitled cause be remanded to the Court below for correction as to the Caption or placitum, and as to the bill of exceptions, as also in all other particulars in which it may be defective, as may be suggested by the respective parties; and it is further ordered in accordance with the said Stipulation, that the said defendant have leave to apply to the Court or Judge below for any additional or supplemental bills of exceptions or orders in said cause which may be right and proper according to the Course and practice in such Causes

102 Manuel Gonzales et als Plaintiffs in Error
vs
Hillman Boren Defendant in Error
} Error from 1st Judicial District

Now comes the said Plaintiff in Error Manuel Gonzales by his attorneys and moves the Court for leave to file the writ of Error and transcript in said cause and the return of the Judge thereon, and that said cause be docketed and Continued until the next term of this Court; and that rule be made upon the Sheriff of the County of Jack to return the Citation and Supersedeas herein with his action thereon; and that in case the Citation should not have been served on said Hillman Boren, that Alias Citation issue returnable to the next term of this Court, for reasons stated in the affidavit filed with said motion; and the Court being sufficiently advised in the premises grants said motion.

It is therefore Considered that the writ of Error in this cause, and the return of the Judge thereon be and the same is hereby filed, and that the said cause be docketed and Continued until the next term of this Court; and that a rule be and same is hereby made on the Sheriff of Jack County to return the Citation and Supersedeas herein with his action thereon; and in case the Citation should not have been served on said Hillman Boren, that Alias Citation issue returnable to the next term of this Court

97 William Garland Plaintiff in Error
vs
Barkley Brothers Defendants in Error
} Error from Third Judicial District

This cause having been submitted

cause taken under advisement at a former day of this term on the briefs filed herein, the Court being now fully advised in the premises, announces its decision by Associate Justice Beard the other Justices concurring therein, reversing the judgment of this Court below. It is therefore considered and adjudged that the judgment of this Court rendered on the 2d day of August A.D. 1879, be and the same is hereby reversed and held for naught, and that the plaintiff in error do recover of the defendant in error Costs of this Court and that the cause be remanded to the District Court to set aside the default and quash the service of summons and proceedings had thereon, and for further proceedings in accordance with this opinion. And it is further considered by the Court that the defendants in Error Pay the costs of this proceeding in this Court and that the cause be remanded to the District Court to issue process and proceed therein according to law and this opinion.

Ordered that the Clerk of this Court certify the same accordingly.

L. Bradford Prentiss
Chief Justice

Fifteenth Day. Wednesday January Term first A.D. 1880

Court met pursuant to adjournment. Council as on Yesterday. The record of Yesterdays proceedings is read and approved.

87 Cornelius Bennett, Joseph F. Bennett and Henry Lewinsky Appellants
vs
James A. Babcock Appellee
} Appeal from Third Judicial District

This cause having been argued in writing submitted, and taken under advisement by the Court on a former day of the term, and the Court being now fully advised in the premises, announces its decision by Associate

Justice Sharp. Affirming the Judgment of the Court below, the Chief Justice dissenting. Justice Concurring Herein

It is therefore Considered and Adjudged that the Judgment of the District Court for the County of Grant rendered in this Cause on the 21st day of July A.D. 1875. quashing the Attachment and proceedings therein, be and the same is hereby affirmed, and that the said Appellee James A Babcock. recover of the said Appellants Cornelius Bennett. Joseph H Bennett and Henry Lesinsky the sum of dollars. his costs herein expended in this Court as taxed.

And it appearing from the appeal bond filed in said cause that Julius E Levy and Eugene Cosgrove are sureties on the appeal bond of the said appellants. It is further Ordered and Adjudged that the said Appellee James A Babcock recover of the said Appellants Cornelius Bennett. Joseph H Bennett Henry Lesinsky. and Julius E Levy and Eugene Cosgrove. the sum of dollars. his costs herein expended. and that Execution issue therefor

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'clock

L Bradford Prince C J
Sam'l C Parks
Attest Clerk

Sixteenth Day. Thursday January Twenty second A.D. 1880

Court met pursuant to adjournment. Present as on yesterday. The record of yesterdays proceedings is read and approved

Ordered that Court do now adjourn until tomorrow morning at the hour of ten O'clock.

L Bradford Prince C J
Sam'l C Parks
Attest Clerk

Day [illegible] A. D. 18[illegible]

[illegible]

[illegible]

[illegible]

Bernard Meils
Appellee

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

This cause having been argued and submitted and taken under advisement at a former day of the term, the Court being now fully advised in the premises announces its decision by Chief Justice Bruce, reversing the judgment of the Court below, Associate Justice Parks dissenting thereto

It is therefore considered and adjudged that the judgment of the District Court for the County of Bexar rendered in this cause on the 4th day of October A.D. 1878 be, and the same is hereby reversed and set aside, and that said cause be remanded to said Court with instructions to grant a new trial herein. It is further considered that the Appellant Benjamin Bass, receiver of the Appellee Ellis Shaver and Armstead McCorkingdale the costs of this Court, and also the costs of the proceedings in bringing said cause into this Court, taxed to be

Orleans. And that execution issue therefor

96

Webber Brand
Appellant

vs.

Perez & Abreu
Appellees

Appeal from
First Judicial District

This cause having been argued and submitted, and taken under advisement at a former day of the term, and the Court being now fully advised in the premises announces its opinion by Associate Justice Bonner, reversing the judgment of the Court below, Chief Justice Bruce and Associate Justice Parks Concurring therein

It is therefore considered and adjudged that the judgment of the District Court for the County of Bexar rendered in this cause on the 4th day of September A.D. 1879, be and the same is hereby reversed and set aside, and that said cause be remanded to the District Court from which it came into this Court, with instructions to reinstate the same upon the docket of said Court to be proceeded with by the Court of law. It is further considered that the Appellees Perez & Abreu, owners of the Appellee Webber Brand, the costs of this Court and the costs of the proceedings in bringing said cause into this Court, taxed to be Orleans, and that execution issue therefor

Hon Chas. B. Pleasants Esq. our Attorney and Counsellor at law, came into Court and moved the admission of N. B. Langford to practice as our Attorney and Counsellor of this Court. Whereupon the Court

Fourteenth Day. Tuesday January Twenty Third A. D. 1880

Appeared a Committee of the Bar, Consisting of Messrs W Mitchell, Darius M Barrow and William L Haywood Esqrs to whom was referred the motion and papers filed heretofore, touching the qualification and fitness of the said Henderson, touching the qualification and fitness of the said Applicant to become a member of the Bar of this Court

Ordered that leave be given to withdraw said papers

Thomas Devereux
Clerk

Eighteenth Day. Saturday January Twenty Seventh A.D. 1880

Court met pursuant to adjournment. Present as on Yesterday. The records of Yesterdays proceedings were read and approved.

It appearing to the Court that no copies of the rules of this Court as this Term have been printed since 1872, since which time many amendments &c have been made, and that no copies of the last edition have been distributed for several years so that Judges and members of the Bar coming into the Territory find difficulty to secure them

It is Ordered, that the Clerk have an addition of three hundred Copies of the rules with all amendments made before the Adjournment of this Court printed in Convenient form, and that the cost thereof be included in the expenses of this Court to be paid by the United States

The Committee of the Bar to whom was referred the motion and papers touching the qualifications and fitness of N B Laughlin Esq to become a member of the Bar of this Court now files its report, from which it appears that the said N B Laughlin is a man of good moral Character, but that he has not practiced law in a Court of the highest original Jurisdiction in any State or Territory for three years immediately preceding his application, and that he is not entitled to admission under the rules of this Court without examination

Rule of practice for the District Courts of the Territory of New Mexico in Equity Cases adopted by the Court January 24th A D 1880 to take effect on the 1st day of April A D 1880. and not to affect any suits commenced before that time

Rule No 101

In every suit in Equity, the Complainant, his agent or Counsel shall deliver or cause to be delivered a true copy of the bill to the Counsel or to one of them who shall have entered an appearance for any respondent or respondents, as soon as the same conveniently can be done after such appearance

No respondent appearing by Counsel shall be ruled to plead answer or demur to the bill before such copy thereof shall have been delivered to his Counsel as hereby required

Every party upon filing any pleadings subsequent to the bill, his agent or Counsel, shall deliver or cause to be delivered to the Counsel or one of them who shall have appeared for the adverse party a true copy thereof, and until such copy shall have been delivered as aforesaid, such adverse party shall not be ruled to plead thereto, nor shall he be in any manner affected thereby

Proof of service of a copy of any pleading as hereby required shall be the affidavit of the person serving the same, or the written acceptance of such service endorsed on the original pleading or attached thereto

Rule of practice for the District Courts of the Territory of New Mexico, in Common law cases. Adopted by the Court January 24 A D 1880, and not to affect suits commenced before that time

Rule No 31 (30)

In every action at law wherein the original process shall be served otherwise than by publication, the Clerk of the Court wherein the action originates, shall be required to make out as many copies of the plaintiffs declaration, as there are defendants to be served with process, and to endorse upon each under his hand, and the Seal of the Court, his certificate, to the effect that the same is a true copy. Such certified copy or copies, together with the original process, shall be delivered to the officer or person authorized to serve such process. In all cases of personal service of such process, it shall be the duty of such authorized officer or person, so serving the process, to deliver to each defendant as served and at the time and place of such service, one of said copies of the declaration. In case a defendant shall be absent, and the process shall be served by delivering a copy thereof to some free person, over fifteen years of age, residing at the

usual place of abode of such defendant, then in like manner and at the same time and place, shall the officer or person so serving the process, deliver one of such copies of the declaration to such free person. The officer or person serving the same as herein provided, shall endorse upon the original process, his certificat or affidavit, containing the proper proof of the manner of serving such copy or copies of the declaration as well as the process. Any defendant may waive actual service of such copy of the declaration, by endorsing on the original process, his acceptance of such service. And such acceptance shall have the same effect as personal service. The neglect of the plaintiff to procure service of a copy of the declaration, as provided by this rule, shall be regarded as sufficient grounds for a continuance on motion therefor by the defendant, at the term at which the process shall be returned as served. In case of service of process or citation by publication and the defendant shall appear in pursuance thereof the plaintiff his agent or attorney shall cause a copy of the declaration to be delivered to such defendant or his attorney and for that purpose such defendant may at any time after the first day of a term of Court at which he shall so appear and during such term be called on motion of the plaintiff, and in default to appear in response thereto, the cause shall be proceeded in, as upon default

The Court at any time after such appearance, by any such defendant; and upon his motion may order the plaintiff to deliver or cause to be delivered to him such copy of the declaration within a reasonable time, to be specified in such ordering

In no event shall a defendant, be ruled to plead to the declaration, until such copy thereof shall be served upon him, or his attorney, as required herein. Upon the filing of any pleading subsequent to the declaration: the party filing the same his agent or attorney, shall serve, or cause to be served a copy thereof upon the adverse party or his attorney; and until such service shall be had such adverse party shall not be ruled to plead thereto

General rule of practice for the District Courts of the Territory of New Mexico, adopted by the Court January 21st 1880

General Rule No 1

No original pleading, paper or document, in any cause or proceeding at law or in Equity properly filed in the office of the Clerk of any District Court, shall be taken from such office, except upon the written order of the presiding Justice

of such Contempt in his absence. Upon the written order of one of the Justices of the Supreme Court, and upon giving of written receipt therefor; such receipt and order to be filed with the papers in the cause, the cost of which shall be at the costs of the person applying for any such pleading, paper or document.

It is Ordered that the Clerk of this Court this Court. transmit to the Clerks of the several District Courts of the Territory, Certified copies of all rules, and amended rules, which have been or may be adopted at the present term hereof, with direction to enter the same of record

94

The Territory of New Mexico
Appellee
vs
George W Maxwell
Appellant.

Appeal from third Judicial District Doña Ana County.

and the cause is hereby Continued Ordered that this cause be until the next term of this Court. and that the Order made in this cause at the last term hereof requiring the cause to the Court below which tried the cause, with directions to perfect and Complete the record herein in Conformity with the facts, be and is hereby continued in force

88

Clarence P. Rhodes
Plaintiff in Error
vs
Joseph F. Bennett. Cornelius Bennett. Henry Leeresky. Nathaniel Pope and Jose L Perea
Defendants in Error

Error from third Judicial District Grant County.

The motion filed herein to dismiss the writ of Error in this cause, having been argued and submitted, and taken under advisement at a former day of this term, the Court being now fully advised in the premises announces its opinion by Chief Justice Prince. granting said motion. It is therefore considered and adjudged that said motion be and is hereby granted, and that the writ of Error herein be, and the same is hereby dismissed.

It is further Considered and adjudged. that the defendants in Error. Joseph F Bennett. Cornelius Bennett. Henry Leeresky Nathaniel Pope and Jose L Perea, recover of the Plaintiff in Error Clarence P. Rhodes their Costs as well in the Court below as in this Court laxed to dollars. and that execution issue therefor

Eighteenth Day Saturday January 24" A. D. 1880

Ordered that Court do now adjourn until Monday morning at the hour of nine o'clock

L. Bradford Prince
Chief Justice

Nineteenth Day. Monday January 26" A D 1880

Court met pursuant to adjournment. Present as on Saturday the record of Saturdays Proceedings is read and approved

Ordered that in case the expense of reporting the rules, pursuant to the order entered January 24" 1880. is not paid by the United States, the same is hereby Ordered to be paid by the Treasury of New Mexico. as part of the expense of this Court

Ordered. that the resignation of Lyon Thurmond heretofore offered be accepted to take effect at the adjournment of this Term of Court. and Frank W. Clancy is hereby appointed as Clerk of this Court, his term of office to commence at the adjournment of this Court.

Amendments to Supreme Court rules addopted January 26" A.D.1880.

Rule Second

At the end of Section third of said rule is added "Admission in the Supreme Court, shall admit to practice in all the Courts of the Territory

Rule Fifth-

In the third line of said rule, the word "may" is stricken out, and "shall" inserted therefor

Rules of practice for the District Courts of the Territory of New Mexico, in Common law cases, Amended and addopted by the Court January 26" A.D.1880.

Rule Second

In the sixth line of said rule, the word unnecessarily is stricken out.

Rule Eleventh-

To said rule is added, "If the defendant be absent from the Territory, the affidavit of merits may be made by his Counsel

the absence of the defendant, to be shown by affidavit

Rule Eighteenth

In the ninth line of said rule after the word "at" the words "or before" are inserted

Rule Twenty fourth

In the second line of said rule the word plaintiff is stricken out and the word defendant is inserted instead

Rule of practice of the District Court of the County of New Mexico, in Chancery cases, amended and adopted by the Court January 26th A.D. 1880

Rule Twenty three

In line two of said rule, the words if is stricken out and the words "and" inserted instead

Ignacio Herrera
Appellant
vs
Antonio José Chaves et al
Appellees

Appeal from
Second Judicial District

98

This cause having been argued and submitted, and taken under advisement at a former day of the term, the Court being now fully advised in the premises announces its opinion through Associate Justice Bristol, as follows

"We are of the opinion that the record of the proceedings of the case in the Court below, is defective in this: it does not show that a Judgment of non suit and dismissal was entered upon the order therefor"

Whereupon It is Considered and adjudged that the cause be remand to the District Court for the County of Bernalillo from whence it came into this Court with directions to enter such judgment; and that the same be thereupon transmitted to this Court. And that the cause be, and is hereby Continued until the next term hereof for that purpose

Cornelius Bennett et als
Appellants
vs
James A Batcheller
Appellee

Appeal from
Third Judicial District

87

The motion of the Appellants

Fourteenth Day Monday January Term A. D. 1880

filed Term at a former day of this term to govern at hearing of this cause. the Court being now fully advised in the premises, grants said motion. It is therefore ordered and adjudged that said motion be and the same is hereby granted; and that the cause be and is hereby continued until the next term of this Court—

Whereas Sidney M Barnes Harold Miles Attorney has rendered to this Court an account of his fees at the present term hereof with the items thereof, and the proof as said to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and whereas said charges appear to be just and reasonable to be

It is hereby Ordered, that said account amounting to Ninety four dollars be and the same is hereby approved

Whereas Jno A Shannon Esq rendered to this Court an account of his fees at the present term hereof, with the items therefor. And the proof and evidence in the United States Attorney has proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated, and whereas said charges appear to be just and reasonable to be

It is Ordered that said account amounting to One hundred twenty + 30/100 dollars be and the same is hereby approved

Ordered that the account of Geo D Bruce Sheriff of the County of Santa Fe for stationery and subpoenas furnished the Court Amounting to Twenty Six dollars be and the same is hereby approved, to be paid by the Treasurer of New Mexico

Now comes Louis Sulzbacher Esq an Attorney and Counsellor of this Court and moves the admission of William N Cleaves to Practice as an Attorney and Counsellor of this Court: Whereupon the Court appoints a Committee of the bar Consisting of Messrs T B Catron Esq William L Rynerson and Thomas F Conway Esqrs to inquire into and report upon the motion and proofs filed therewith, touching the qualification and fitness of said Applicant to become a member of the bar of this Court.

Clinton J Brainard
Plaintiff in Error
vs
Clinton W Barnes
Defendant in Error

Error from Third Judicial District

Entered Day entered January Twenty Sixth A. D. 1880

This cause having been argued and submitted at a former day of the term, and taken under advisement the Court being now fully advised in the premises announces its decision by Associate Justice Parko, affirming the judgment of the Court below.

It is therefore Considered and adjudged that the judgment of the District Court for the County of Grant rendered in this cause on the Tenth day of July A.D. 1877. be and the same is hereby affirmed with interest thereon from the date of the rendition thereof, on the tenth day of July A.D. 1877. amounting to the sum of One thousand and twelve $^{87}/_{100}$ dollars, and that the said defendant in Error Matthew W Brevard receiver of the Plaintiff in Error Stanton O Brannan the amount of said judgment and interest amounting as aforesaid to the sum of One thousand and Twelve and $^{87}/_{100}$ dollars, and also his costs in this behalf expended as well in the Court below, as in this Court to be taxed, and that execution issue therefor

Terms of Holding Courts

The following is a copy of a document this day filed and ordered to be entered of record. Viz:

The Judges of the Supreme Court of New Mexico, assembled at the seat of Government of said Territory, at Santa Fe on the 24th day of January A.D. 1880. fix and adjourn the several terms and places of holding the Courts in their respective Districts, until further action, as follows

In the First District, at Santa Fe, On the First Monday in February, to continue not exceeding three weeks, and on the fourth Monday in July, to continue not exceeding two weeks.

In the Second District, at Albuquerque on the last Monday in April, continuing not exceeding three weeks, And on the last Monday in September, continuing not exceeding three weeks

In the Third District, at Mesilla, on the Fourth Monday in March to continue not exceeding four weeks, and on the First Monday in September, to Continue not exceeding Four Weeks

Ordered, that all orders and process returnable at other and different dates, at which said terms shall not be then held and begun, shall have the same force and effect as if made returnable at the dates aforesaid above.

Thirteenth Day of January A. D. 1885

It is further Ordered that the Clerk of this Court transmit to the Clerks of the several Counties throughout the Territory Certified Copies of the Document this day filed relating to the Duties of Holding Courts in the several Districts

The Committee of the Bar to whom was referred the motion and papers touching the qualification and fitness of William B Childs Esq to become a member of the Bar of this Court, now files its report, from which it appears that the said applicant has pursued the ordinary course of study which he has practiced law in any Court, and that the Certificates presented are not presumptive evidence that the Applicant has ever so practiced, and that he is not familiar with the rules of this Court, as regards Applications for admission as aforesaid

It is therefore Ordered that the motion in this behalf be and is hereby denied

Ordered that the following allowances be made and hereby made to officers of the Court to wit

Jeremiah M Barnes Esq.	United States Atty.	Fourteen days	$95.00
Jno E Sherman Jr	United States Interpreter	" "	95.
Jno N Thomson. Clerk		Fourteen Days	95.
Epifanio Vigil. Bailiff		" "	38.
Charles M Conklin Crier		" "	38

Ordered that Jose D Sena Esq be allowed Fourteen days as Sheriff. to be paid by the Treasury of New Mexico at the rate of Four dollars per day = $76.00

Ordered that all causes motions and other proceedings not otherwise disposed of, be and the same are hereby Continued until the next term of this Court

Ordered that Court do now adjourn sine die

L. Bradford Prince C.J.
Saml D Parks

Day

A. D. 18

It is ordered by the Court that the official oath and bond of Frank W. Clancy Clerk of this Court be issued upon the same which is necessary and the same is approved by the Court.

It is ordered by the Court that the official oath and bond of Frank W. Clancy Clerk of this Court be issued upon the same which is necessary and the same is approved by the Court.

United States of America
Territory of New Mexico
County of Santa Fe.

I, Frank W. Clancy, Clerk of the District Court within and for the County and Territory aforesaid, do hereby certify that the foregoing and annexed is a true and correct copy of the oath and bond of Frank W. Clancy, Clerk of the District Court within and for the County and Territory aforesaid, as the same remains of record and on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said Court at my office in the City of Santa Fe, this 3rd day of January A. D. 1907.

Frank W. Clancy
Clerk.

Know all men by these presents that we, Frank W. Clancy as principal and Thornton and Thomas R. Catron as sureties are held and firmly bound unto the Territory of New Mexico in the full and just sum of Five Hundred Dollars, to the payment of which well and truly to be made we bind ourselves, our heirs, executors and administrators jointly and severally by these presents.

Sealed with our seals and dated this 3rd day of January A. D. 1907.

The condition of the above obligation is such that whereas the above bounden Frank W. Clancy has been appointed Clerk of the District Court within and for the County and Territory aforesaid, and is about to enter upon the duties of said office.

Day [illegible] A. D. 18[illegible]

94. The Succession of New Orleans
vs.
Mary W. Maxwell.

Appeal from Third Judicial District.

Abbeller,
Abbellant.

Concurring.

The victim of the said defendant and abbellant
by his Attorney & Counsel, Esquire. It is ordered by the Court that the
time for the argument of the said Brief herein be and the same hereby is extended
until the [illegible] January next.

95. [illegible]
vs.
[illegible]

[illegible] from Third Judicial District.

Concurring.

[illegible]

02 [illegible] vs [illegible] [illegible]

In motion of the said Plaintiffs Attorney W. J. Hunter Esquire it is ordered by the Court that the Writ of Scire facias issued in this cause be and the same is hereby quashed and set aside with costs to the Defendant

03 [illegible] vs [illegible]

04 [illegible] vs [illegible]

05 [illegible] vs [illegible]

06 [illegible] vs [illegible]

07 [illegible] vs [illegible]

08 [illegible] vs [illegible]

09 [illegible] vs [illegible]

10 [illegible] vs [illegible]

It is ordered by the Court that the Writ of Scire facias issued in this cause be and the same is hereby quashed and set aside with costs to the Defendant

In the Clerk's Office to be heard on Tuesday next.

110. The Territory of New Mexico, Appeal from First Judicial District.
vs
Joseph Hahn & William Mullen, Appellants
Cause

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Thursday next.

111. The Territory of New Mexico, Appeal from First Judicial District.
vs
James Klein, Appellant
Cause

Now comes A. M. Barnes, Esquire, counsel for the said defendant and appellant, and suggests to the Court here the death of the said defendant and appellant. Whereupon it is considered and adjudged by the Court that this cause be and the same hereby is abated.

112. The Territory of New Mexico, Appeal from First Judicial District.
vs
Jesus Lujan, Appellant
Cause

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Thursday next.

113. The Territory of New Mexico, Appeal from First Judicial District.
vs
Victorio Baca, Appellant
Cause

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Thursday next.

114. The Territory of New Mexico, Appeal from First Judicial District.
vs
Luis Valencia, Appellant
Cause

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Thursday next.

115. The Territory of New Mexico, Appeal from First Judicial District.
vs
Arcadio Lopez, Appellant
Cause

On motion of the said defendant & appellant by his Attorney W. H. Thornton, Esquire, It is ordered by the Court that the writ

Day A. D. 18

[illegible] Court [illegible] Judicial District

[illegible] Plaintiff

[illegible] Defendant

[illegible] Appeal from [illegible] Judicial District.

[illegible] Plaintiff

[illegible] Defendant

[illegible] Appeal from [illegible] Judicial District.

was never withdrawn from said council by said Governor that after said adjournment

stated that it was made because no Attorney General was in attendance at said term of said court

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Clerk

Fourth Day.

Court meets pursuant to adjournment.

Present, as when yesterday...

The amendments to the record of Wednesday's proceedings are read, amended and affirmed; and the reading of yesterday's

readings is also read and approved.

110 The Territory of New Mexico, Appellee
vs.
Joseph Stokes and William Mullen, Appellants } Appeal from First Judicial District

The respective claims of Eugene A. Fiske and Henry L. Waldo, Esquires, to be allowed to appear in this cause as Attorney General for said Territory of New Mexico, having been on a former day of the present Term, argued for both said Eugene A. Fiske and said Henry L. Waldo, and taken under advisement by the Court, the Court being now sufficiently advised in the premises, announces its opinion by Associate Justice Bristol, all the Justices concurring, that neither the said Eugene A. Fiske nor the said Henry L. Waldo, is entitled to appear in this Court as Attorney General for said Territory of New Mexico; It is therefore ordered by the Court that the motion of the said Eugene A. Fiske for leave to appear in this cause as Attorney General for said Territory of New Mexico, be, and the same hereby is denied; and It is further ordered by the Court that the motion of the said Henry L. Waldo for leave to appear himself as such Attorney General for said Territory of New Mexico, be, and the same hereby is denied.

93 The Territory of New Mexico, Appellee
vs.
Richard Rennie, Appellant } Appeal from Third District

No Attorney General being in attendance at this term of Court, It is ordered by the Court that W. L. Rynerson and William Breeden, Esquires, attorneys and counsellors of this Court be, and they hereby are, appointed to appear for and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

103 The Territory of New Mexico, Appellee
vs.
John J. Webb, Appellant } Appeal from First Judicial District

No Attorney General being in attendance at this term of Court, It is ordered by the Court William Breeden and Henry L. Waldo, Esquires, attorneys and counsellors of this Court, be, and they hereby are, appointed to appear for, and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

104 The Territory of New Mexico, Appellee
vs.
Vicente Martinez, Appellant } Appeal from First Judicial District

Fourth Day. Thursday January 13th, A. D. 1881.

Mr Attorney General being in attendance at the present term of Court, It is ordered by the Court that Ex-Gov. Chas A. Fisher, Esquire, be and he hereby is appointed Attorney and Counsellor of this Court, to appear for, and represent the said plaintiffs in error in the case of Dow Hooper, in this cause, and to prosecute the cause on behalf of said Territory.

105 The Territory of New Mexico, Appellee
vs.
Dora Duvenger, Appellant } Appeal from Third District.

Mr Attorney General being in attendance at the present term of Court, It is ordered by the Court that L. B. Prince, Esquire, be and he hereby is appointed Attorney and Counsellor of this Court, to appear for and represent the Territory of New Mexico in this cause, and to prosecute the cause on behalf of said Territory.

The Territory of New Mexico, Appellee
vs.
106 William Young et al., Appellants } Appeal from Third Judicial District.

Mr Attorney General being in attendance at the present term of Court, It is ordered by the Court that L. B. Prince, Esquire, Attorney and Counsellor of this Court, be and he hereby is appointed to appear for and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

The Territory of New Mexico, Appellee
vs.
110 Joseph Stokes and William Mullen, Appellants } Appeal from First Judicial District.

Mr Attorney General being in attendance at the present term of Court, It is ordered by the Court that C. W. Barlow and W. H. Thornton, Esquires, Attorneys and Counsellors of this Court, be and they hereby are appointed to appear for and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

The Territory of New Mexico, Appellee
vs.
110 Joseph Stokes and William Mullen, Appellants } Appeal from First Judicial District.

It is ordered by the Court that the said plaintiffs in error be, and the same are hereby granted leave to file their brief herein, and that this cause be and the same is hereby set down for hearing on Friday next.

The Territory of New Mexico, Appellee
vs.
William H. Tipton, Appellant. } Appeal from Third Judicial District.

The Attorney General being in attendance at the present term of the Court, It is ordered by the Court that R. B. Batman and W. L. Rhunkle Esquires attorneys and counsellors of this Court, be, and they hereby are, appointed to appear for, and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

113 The Territory of New Mexico, Appellee
vs.
Eleuterio Baca, Appellant
} Appeal from First Judicial District.

The Attorney General being in attendance at the present term of Court, It is ordered by the Court that R. B. Batman and W. L. Rhunkle attorneys and counsellors of this Court, Esquires, be, and they hereby are, appointed to appear for and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

114 The Territory of New Mexico, Appellee
vs.
Luis Valencia, Appellant
} Appeal from First Judicial District.

The Attorney General being in attendance at the present term of Court, It is ordered by the Court that Eugene A. Fiske, attorney and counsellor of this Court, be, and he hereby is, appointed to appear for, and represent the said Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

115 The United States of New Mexico, Appellee
vs.
Dracian Lopez, Appellant
} Appeal from First Judicial District.

The Attorney General being in attendance at the present term of Court, It is ordered by the Court that R. B. Batman attorney and counsellor of this Court, Esquire, be, and he hereby is, appointed to appear for, and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

116 Eugene A. Fiske, Appellant.
vs.
William Breeden Appellee
} Appeal from First Judicial District.

Now comes the said defendant and appellee by his attorneys, R. B. Batman and Henry L. Waldo Esquires, and by leave of the Court, withdraws his motion, filed on a former day of this present term, to dismiss the appeal herein for the reason that the affidavit as to appeal does not appear in the Record herein as required by law, such affidavit was improperly made and filed herein in the Court below before said appeal was

11 | Romualdo Baca, Plaintiff in Error
vs.
Adolph P. Bonnier, Defendant in Error } Error to the First Judicial District.

Now comes the said defendant in error by his attorneys, Messrs. Breeden and Waldo, and by leave of the Court withdraws his motion, filed herein on the [illegible] day of the present term, to dismiss the writ of error herein.

Romualdo Baca, Plaintiff in Error
vs.
Adolph P. Bonnier, Defendant in Error } Error to the First Judicial District.

117

This cause now coming on to be heard upon the briefs filed herein and the arguments of counsel, herein argued by W. F. Thornton, Esquire, for said plaintiff in error, and by Messrs. Breeden and Waldo for said defendant in error, is submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement

Charles Z. Brick, Plaintiff in Error
vs.
Anthony Joseph, Defendant in Error } Error to the First Judicial District.

117

This cause now coming on to be heard upon the briefs filed herein and arguments of counsel, and being argued by Messrs Breeden & Waldo for said plaintiff in error, and by T. F. Conway, Esquire, for said defendant in error, is submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement

Antonio Valdez, Plaintiff in Error
vs.
Luciano Archuleta, Defendant in Error } Error to the First Judicial District.

118

On motion of said plaintiff in error by his attorney W. F. Thornton, Esquire, It is ordered by the Court that writ of error herein be and the same hereby is, entered against the defendant in error, and the Court to return forthwith the citation to said defendant in error, here to fore issued herein.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

[illegible]
Sam. H. Elliott
Warren Prichard

Fifth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read, amended and approved.

93 The Territory of New Mexico, Appellee
vs.
Richard Romine, Appellant
} Appeal from Third Judicial District.

It is ordered by the Court that the time for filing briefs herein for said Plaintiff and Appellee be and the same hereby is extended until next Monday morning.

74 The Territory of New Mexico, Appellee
vs.
George W. Maxwell, Appellant
} Appeal from Third Judicial District.

No Attorney General being in attendance at the present term of Court, It is ordered by the Court that W. L. Rynerson and William Breeden, Esquires, attorneys and counsellors of this Court, be and they hereby are appointed to appear for, and represent the said Territory of New Mexico in this cause and to prosecute the same on behalf of said Territory; And it is further ordered by the Court that the time for filing briefs herein for said Territory of New Mexico, be and the same hereby is extended to next Monday morning.

48 Ygnacio Herrera, Appellant
vs.
Antonio José Chaves et al, Appellees
} Appeal from Second Judicial District.

It is ordered by the Court that this cause be, and the same hereby is, set down for hearing on tomorrow morning.

104 The Territory of New Mexico, Appellee
vs.
Vicente Martinez, Appellant
} Appeal from First Judicial District.

Now comes Eugene A. Fiske, Esquire, an attorney and counsellor of this Court, appointed as a former day of the present term to appear for, and represent the Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory; and, by leave of the Court, declines the

Day [illegible] A. D. 18[illegible]

[illegible] Eugene A. Gibbs [illegible] (plaintiff's attorney) [illegible]
Eric Fabian Gifford

Now comes Eugene A. Gibbs, Esquire, as attorney and counsellor at law, and moves the Court to direct the Register of Deeds, Register of Probate and Insolvency, and the Register of Probate for the County of Middlesex, and the Recorder of the Land Court, to receive and record for registration, and to issue certificates of title for registration with respect to, the land described in Lot 1 on Land Court Plan 20[illegible] filed with Certificate of Title No. [illegible] in the name of Eric Fabian Gifford.

Now comes Eugene A. Gibbs, Esquire, as attorney and counsellor at law, and moves the Court to direct the Register of Deeds, Register of Probate and Insolvency, and the Recorder of the Land Court to receive and record for registration, and to issue certificates of title for registration with respect to the land described in Lot 1 on Land Court Plan 20[illegible] filed with Certificate of Title No. [illegible] in the name of Eric Fabian Gifford, as more particularly described in a petition filed herewith. It is ordered by the Court that the said petition, together with the accompanying plan, i.e. Plan [illegible] drawn by [illegible], referred to in Certificate of Title No. [illegible] in the name of Eric Fabian Gifford, be and hereby is, referred to the Register of Probate and Insolvency, the Register of Deeds and the Recorder of the Land Court, as a permanent record in the matter of said petition.

It is ordered that the hearing on said petition until January 9, 1961 at ten o'clock.

By the Court,
John C. Perry
Assistant Recorder

Sixth Day.

Court convenes pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read and approved.

98 Ygnacio Herrera, Appellant
vs.
Antonio José Salazar et al. Appellees
} Appeal from Second Judicial District.

By agreement of the said parties, this cause is submitted to the Court on the briefs filed herein, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

104 The Territory of New Mexico, Appellee
vs.
Vicente Montoya, Appellant
} Appeal from First Judicial District.

It is ordered by the Court that the time for the filing of briefs for said plaintiff and appellee be, and the same hereby is, extended until next Monday; and it is further ordered by the Court that this cause be, and the same hereby is, set down for hearing on next Tuesday.

105 The Territory of New Mexico, Appellee
vs.
Jose Durango, Appellant
} Appeal from Third Judicial District.

By agreement of the said parties, this cause is submitted to the Court upon the briefs filed herein, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

114 The Territory of New Mexico, Appellee
vs.
Pedro Valencia, Appellant
} Appeal from First Judicial District.

It is ordered by the Court that the time for the filing of briefs for said plaintiff and appellee, be and the same hereby is, extended until next Monday. And it is further ordered by the Court that this cause be, and the same hereby is, set down for hearing on next Tuesday.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Sam'l C. Parks

Associate Justice

Seventh Day.

Court meets pursuant to adjournment.

Present. as upon Saturday

The record of Saturday's proceedings is read and affirmed.

103 The Territory of New Mexico, Appellee
vs.
John J. Webb. Appellant
} Appeal from the Third Judicial District.

By agreement of the said parties. It is ordered by the Court that the time for filing briefs for said defendant and appellant. be and the same hereby is. extended until Thursday next. and It is further ordered by the Court by the Court that this cause be. and the same hereby is. set down for hearing on Thursday next.

107 Estanislao Montoya. Plaintiff in Error
vs.
John Donohue. Defendant in Error
} Error to the Second Judicial District.

By agreement of the said parties by their respective attorneys. It is ordered by the Court that the Writs of Error herein be and the hereby is dismissed. he decided that the said plaintiff in error be and he hereby is. given until Wednesday next to file his briefs and assignment of errors herein.

110 The Territory of New Mexico, Appellee.
vs.
Joseph Stokes and William Mullen. Appellants
} Appeal from the First Judicial District

On motion of said Appellees by R. B. Catron, Esquire who appears for. and represents said Territory of New Mexico in this case, It is ordered by the Court that the time for filing briefs herein for said plaintiff and appellee be and the same hereby is. extended until tomorrow morning; and It is further ordered by the Court that this cause be. and the same hereby is. set down for hearing on Wednesday next.

112 The Territory of New Mexico, Appellee
vs.
Tomas Montoya. Appellant
} Appeal from Third Judicial District.

On motion of R. B. Catron Esq. who appears for. and represents the said Territory of New Mexico in this case, It is ordered by the Court that the time for filing briefs herein for said plaintiff and appellee, be and the same hereby is, ex

Leonardo Marchi & Lawrence Marchi; and It is further ordered by the Court that this cause be, and the same hereby is, set down for hearing on Wednesday next.

113 The Territory of New Mexico, Appellee
vs.
Ellenborough Bacca, Appellant
} Appeal from First Judicial District.

On motion of U. B. Eaton, Esquire, counsel of record for the Territory of New Mexico in this cause, It is ordered by this Court that the time for filing briefs herein for said Plaintiff and Appellee, be, and the same hereby is, extended until tomorrow; and It is further ordered by the Court that this cause be, and the same hereby is, set down for hearing on Wednesday next.

Now come S. B. Newcomb, S. M. Baca and William H. Thornton, Esquires, the committee to which, on a former day of the present term, was referred the motion of Eugene A. Fiske, Esquire, to admit Andrew Sloan to practice in this Court, with the accompanying papers, and report that they find the said Andrew Sloan duly qualified under the rules of this Court for admission therein as an attorney and counsel of the Supreme Court of the Territory of New Mexico, and they therefore recommend that he be so admitted; and the said Andrew Sloan having furnished the Court with satisfactory evidence of his good moral character, such evidence consisting of the certificate of Eugene A. Fiske, Esquire, an attorney and counsellor of this Court, It is ordered by the Court that the report of the said committee be, and the same hereby is, in all respects approved, and that the said Andrew Sloan be, and he hereby is, admitted to practice as an attorney and counsellor in this Court; and thereupon the said Andrew Sloan appears in open Court and takes and subscribes the oath prescribed by the rules of the Court.

104 The United States of America, Appellee
vs.
William H. Brown, Appellant
} Appeal from First Judicial District

This cause now coming on to be heard on the briefs filed herein and the arguments of counsel, and being argued by R. H. Hinkle, Esquire, for said defendant and appellant and by S. M. Baca, Esquire, Attorney for said plaintiff and appellee, is submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

Seventh Day Monday January Tenth A. D. 1881.

106 The Territory of New Mexico, Appellee
vs.
William Young, Appellant
} Appeal from Third Judicial District.

This cause now coming on to be heard upon the record and briefs filed herein, and the arguments of counsel, and being argued by Edward V. Price, Esquire, for said defendant and appellant, and H. S. B. Shannon, Esquire, for said plaintiff and appellee, it is submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Jas. L. Parks
Marcos Baca

Eighth Day.

Court meets pursuant to adjournment.

Present, as upon yesterday, excepting the Honorable L. Bradford Prince, Chief Justice of this Court, who is absent.

The record of yesterdays proceedings is read and approved.

104 The Territory of New Mexico, Appellee
vs.
Vicente Martinez, Appellant
} Appeal from First Judicial District.

This cause now coming on to be heard on the record and briefs filed herein, and being argued by T. B. Catron, Esquire, for said defendant and appellant, and by B. H. Hildebrand, Esquire, for said plaintiff and appellee, is submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

111 The Territory of New Mexico Appellee
vs.
Luis Valencia, Appellant
} Appeal from First Judicial District

Now comes the said plaintiff and appellee by B. H. Hildebrand, Esquire, and moves the Court to dismiss the appeal herein for the reason and cause that the bill of exceptions in said cause on file herein [illegible] by the [illegible]

said defendants affidavits for said plaintiff and appellee, the Court not hearing sufficiently advised in the premises, takes the same under advisement.

115 The Territory of New Mexico, Appellee
vs.
Ernesto Lopez, Appellant } Appeal from First Judicial District.

It is ordered by the Court that this cause be, and the same hereby is set down for hearing tomorrow.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sam'l B. Davis
Warren Bristol

Ninth Day.

Court meets pursuant to adjournment.

Present, as upon yesterday, and also the Honorable L. Bradford Prince, Chief Justice of this Court.

The record of yesterday's proceedings is read and approved.

110 The Territory of New Mexico, Appellee
vs.
Joseph Stokes and William Mullen, Appellants } Appeal from First Judicial District.

This cause now coming on to be heard upon the record and briefs filed herein, after being argued by R. F. Bowey and B. H. Hilderbrand, Esquires, for said defendants and appellants, and by T. B. Catron, Esquire, for said plaintiff and appellee, is submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

112 The Territory of New Mexico, Appellee
vs.
Romaldo Luna, Appellant } Appeal from First Judicial District.

By agreement of the said parties, by their respective attorneys, this cause is now submitted to the Court upon the record and briefs filed herein, and the Court, not being sufficiently advised in the premises, takes the same under advisement,

Ninth Day. Wednesday January twelfth A. D. 1881.

113 The Territory of New Mexico, Appellee
vs.
Eleuterio Baca, Appellant
} Appeal from First Judicial District.

By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court upon the record and briefs filed herein, and the Court, not having sufficiently considered the premises takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

S. B. Axtell Chief Justice

Warren Bristol

Tenth Day.

Court meets pursuant to adjournment.

Present, as when yesterday, except the Honorable Samuel B. Parker, Associate Justice of this Court.

The record of yesterdays proceedings is read and approved.

121 The Territory of New Mexico, Appellee
vs.
Elijah Franklin, Appellant
} Appeal from Third Judicial District.

A stipulation having been filed herein, signed by the attorneys of said defendant and appellant and by the District Attorney of the said Third Judicial District for said plaintiff and appellee, whereby it is agreed that this cause may be heard by this Court at the present term thereof. It is ordered by the Court that the clerk be and he hereby is directed to docket this cause; and no Attorney General being in attendance at this present term of Court. It is ordered by the Court that S. B. Newcomb Esquire an attorney and counselor of this Court, be, and he hereby is, appointed to appear for, and represent, the said Territory of New Mexico in this cause, and to prosecute the same on behalf of said Territory.

Now comes Sidney M. Barnes, Esquire, an attorney and counselor of this Court, and requests the Court to admit

W. Blaney to practice as an attorney and counselor of this Court; and, it appearing to the satisfaction of the Court that the said Francis W. Blaney has been admitted to practice as an attorney and counsellor in the Second Judicial District Court, - It is ordered by the Court that the said Francis W. Blaney be and he hereby is admitted to practice as an attorney, solicitor and counsellor in this Court; and thereupon the said Francis W. Blaney appears and takes and subscribes the official oath prescribed by the rules of this Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L. Bradford Prince Chf Justice

Wm. Pickett

Eleventh Day.

Court meets pursuant to adjournment.

Present, as upon yesterday, and also the Honorable Samuel B. Bank, Associate Justice of this Court.

The record of yesterday's proceedings is read and approved.

115 The Territory of New Mexico, Appellee
vs. } Appeal from First Judicial District.
Doracio Lopez, Appellant

Now comes the said plaintiff and appellee by R. H. Bonney, Esquire, who appears for, and represents the Territory of New Mexico in this cause, and moves the Court to dismiss the appeal herein, for reasons set forth in his motion on file; and said motion being argued by counsel in behalf of said defendant and appellant, as for said plaintiff and appellee, the Court, being sufficiently advised in the premises, denies the same; It is therefore ordered by the Court that the said motion be and the same hereby is denied.

113 The Territory of New Mexico, Appellee
vs. } Appeal from First Judicial District.
Doracio Lopez, Appellant

It is ordered by the Court that this cause

Eleventh Day. Thursday, January 6th, A. D. 1881.

the, and the same thereby is set down for hearing hereon.

120 Thomas Keeney, James Hill, Humphrey Hill and James Ingalls, Appellees
vs.
José Albino Bonilla, Juan Bolay, Lebaro Borgas, and Francisco Mass, Appellants } Appeal from Third Judicial District.

This cause now coming on to be heard on the record, briefs filed herein, and being argued by T. B. Catron and W. L. Rynerson, Esquires, for said defendants and appellants, and by S. B. Newcomb, Esquire, for said plaintiffs and appellees, is submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

S. Bradford Chief Justice
Wm. L. Parks
Warren Bristol

Twelfth Day.

Court meets pursuant to adjournment.

Present, as upon yesterday.

The record of yesterday's proceedings is read and approved.

The Territory of New Mexico, Appellee
vs.
Elijah Franklin, Appellant } Appeal from the Third Judicial District.

121 This cause now coming on to be heard on the record filed herein, is submitted to the Court without briefs or argument, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

The Territory of New Mexico, Appellee
vs.
Rudolph Pennine, Appellant } Appeal from the Third Judicial District.

93 This cause now coming on to be heard on the record and briefs filed herein, being argued by S. B. Newcomb and

B. Batron, Esq. for [illegible]
William Breeden, Esquire, for [illegible]
it is submitted to the Court on [illegible]
sufficiently advised in the premises, [illegible]
under advisement.

Now comes into Court Guillaume Bullenden and makes application to become a citizen of the United States; and it appearing to the satisfaction of the Court, from [illegible] two years ago, the said Guillaume Bullenden made and left with the Clerk of this District Court, Court of Common Pleas, that it was bona fide his intention to become a citizen of the United States and renounce and abjure forever and absolutely all allegiance and fidelity to every foreign power, prince, potentate, state and sovereignty whatever, and particularly to the Republic of France.

And it being proven to the Court by the testimony of Jose D. Sena and Romulo Martinez, citizens of the United States, who were examined, on the oath, as witnesses, that the said Guillaume Bullenden has resided continuously within the United States five years, and one year, at least, immediately preceding the application, in the Territory of New Mexico; and that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and therefore, the said Guillaume Bullenden has taken the oath that he will support the Constitution of the United States, and that he does absolutely and forever renounce and abjure all allegiance and fidelity to every foreign power, prince, potentate, state and sovereignty whatever, and particularly all allegiance and fidelity to the Republic of France, and thereupon the Court admitted the said Guillaume Bullenden to become a citizen of the United States.

116 Eugene A. Fiske, Appellant
vs.
William Breeden, Appellee } Appeal from the First Judicial District

This cause now coming on to be heard on the record and briefs filed herein, by agreement of the said parties it is submitted to the Court for decision upon the same; and the Court, not being sufficiently advised in the premises, takes the same under advisement;

It is ordered by the Court that the parties do now enjoy

Twelfth Day Saturday January Fifteenth A. D. 1881.

until Monday morning at ten o'clock.

L Bradford Prince of
Sam'l C Parks
Attorneys Pro Tem

Thirteenth Day.

Court meets pursuant to adjournment.

Present, as upon Saturday.

The record of Saturdays proceedings is read, and affirmed.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L Bradford Prince
Sam'l C Parks
Attorneys Pro Tem

Fourteenth Day.

Court meets pursuant to adjournment.

Present: as upon yesterday.

The record of yesterdays proceedings is read and affirmed.

The Territory of New Mexico, Appellee
vs.
Luis Valencia, Appellant.
} Appeal from Third Judicial District.

114

Now comes the said parties by their respective attorneys and the motion of said plaintiff, the appellee to dismiss the appeal herein, having been argued on a former day of this present term, and taken under advisement by the Court, the Court, being now sufficiently advised in the premises, denies the same; it is therefore ordered by the

Fourteenth Day, December Term, Eighteen Hundred and Eighty-one, A. D. 1881.

Court that the said motion be and the same hereby is denied.

114 The Territory of New Mexico, Appellee
vs.
Luis Valencia, Appellant
} Appeal from First Judicial District.

By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court upon the record and briefs filed herein without argument; and the Court, not being sufficiently advised in the premises, takes the cause under advisement.

It is ordered by the Court that the commission and oath of office of the Honorable Warren Bristol, Associate Justice of this Court, be spread upon the record, which is done accordingly, in words and figures as follows, to wit:-

Rutherford B. Hayes
President of the United States of America,

To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Warren Bristol, of the Territory of New Mexico, I have nominated, and, by and with the advice and consent of the Senate, do appoint him to be Associate Justice of the Supreme Court of the Territory of New Mexico; and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto Him, the said Warren Bristol, for the term of four years from the day of the date hereof, subject to the conditions prescribed by Law.

In testimony whereof, I have caused these letters to be made patent and the seal of the United States to be hereunto fixed.

Seal

Given under my hand, at the City of Washington, the Fourteenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States of America the one hundred and fifth.

By the President: R. B. Hayes.

John Hay
Acting Secretary of State.

United States of America
Territory of New Mexico } ss.
County of Santa Fé

I, Warren Bristol, having been appointed by H. E.

[illegible] of Jerome Newton of the [illegible] Court of [illegible] this [illegible] day [illegible] and [illegible] the oath of office as such Deputy Marshal [illegible] Court and [illegible] that I have voluntarily given me and [illegible] and [illegible] that I have neither received nor [illegible] any [illegible] whatever [illegible] the [illegible] of any office under or [illegible] the United States [illegible] that I have not [illegible] a duel [illegible] or [illegible] [illegible] Government, [illegible] fought or [illegible] within the limits [illegible] that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge and perform all the duties incumbent on me as Deputy Marshal. [illegible] the best of my [illegible] according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States and the laws of said Territory. So help me God.

Warren Bristol

Subscribed and sworn to before me this 18th day of January A.D. 1851.

L. Bradford Price
Chief Justice of said Territory.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L. Bradford Price
Samuel C. Parks
Warren Bristol

Fifteenth Day.

Court convenes pursuant to adjournment.

Present as when yesterday.

The record of yesterday's proceedings is read and approved.

Now comes William Breeden, Esquire, an attorney and counsellor of this Court, and moves the Court to admit Russell Wright to practice as an attorney and counsellor in this Court; and it appearing to the satisfaction of the Court that the said Russell Wright has been duly admitted to practice in the District Court of the Second Judicial District of this Territory. It is ordered by the Court that the said motion be, and the same hereby is, granted, and that the said Russell Wright be, and he hereby is, admitted to practice as an attorney and counsellor in this Court; and thereupon the said Russell Wright appears in open Court, and takes and subscribes the official oath prescribed by the rules of this Court.

107 Estanislao Montoya, Plaintiff in Error
vs.
John Donohue, Defendant in Error
} Error to the Second Judicial District.

By agreement of the said parties by their respective attorneys. It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of this Court, with leave to the said defendant in error to file his briefs herein at any time during the present term.

115 The Territory of New Mexico, Appellee
vs.
Donaciano Lopez, Appellant
} Appeal from the First Judicial District.

This cause now coming on to be heard upon the record and briefs filed herein, was argued by W. L. Rhoades, Esquire, for said defendant and appellant, and by N. B. Laughlin, Esquire, for said plaintiff and appellee, is submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L. Bradford Prince
Chief Justice
Attest: [illegible]

A. D. 15:1

Seventeenth Day.

Court meets pursuant to adjournment.

Present. as upon yesterday.

The record of yesterday's proceedings is read and approved.

12 Manuel Gonzales, Salomé Jacques and José Armenta, Plaintiffs in Error vs. William Brown, Defendant in Error. } Error to the First Judicial District.

It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of this Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L Bradford Prince
Saml E Parks
Warren Bristol

Eighteenth Day.

Court meets pursuant to adjournment.

Present. as upon yesterday.

The record of yesterday's proceedings is read and approved.

05 The Territory of New Mexico, Appellee vs. Dora Duenas, appellant } Appeal from the Third Judicial District

This cause having been argued by counsel on a former day of the present term, and taken under advisement by the Court, the Court being now sufficiently advised in the premises, announced its decision, through Chief Justice L. Bradford Prince, affirming the judgment of the Court below, all the members of the Court concurring; It is therefore considered and adjudged by the Court that the judgment rendered in the said District Court

[illegible] and that said plaintiff have [illegible] and that the said defendant be [illegible] and said Bidwell Court for execution of said judgment.

Ygnacio Herrera, Appellant
vs.
Antonio José Chaves, et Maria de la Luz Chaves, Appellees

} Appeal from the Second Judicial District

This cause having been argued by counsel on the [illegible] and the Court having taken under consideration the same, and being sufficiently advised in the premises, it is now ordered by the Court that the judgment of the District Court of the Second Judicial District be affirmed, with costs; and it is further considered by the Court that the said judgment of the District Court be affirmed, with costs; and it is further considered by the Court that the said District Court do proceed in the premises according to law; and it is further considered that the said plaintiff, Ygnacio Herrera, recover of said defendants, appellees, Antonio José Chaves and Maria de la Luz Chaves de Chaves, his costs in this behalf in this Court expended, taxed to dollars, and that he have execution &c.

Now comes Paul Wimmachmann a native of the Empire of Germany into open Court and makes application to become a citizen of the United States; and the Court being satisfied by competent proof that the said Paul Wimmachmann has been regularly discharged from the military service of the United States, and it being proved to the Court by the testimony of William Brecklin and Charles H. Gilderleeve, citizens of the United States, who are sworn and examined in their matter as witnesses, that the said Paul Wimmachmann has resided continuously in the United States and the State of this Republic for one year, at least, immediately preceding this application, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, and that he is not opposed to organized government or a friend to the doctrine of [illegible] the Constitution of the United States, and that he [illegible] and [illegible] to support the Constitution and [illegible] to any foreign prince, potentate, State or sovereignty

originally unknown, and praying that all allegiance and fidelity to W. Victoria, Empress of Germany, &c. &c. be released, It is Ordered by the Court that the said Paul Winnekmann be, and he hereby is, admitted to become a citizen of the United States.

Now comes T. F. Bonner, Esquire, and moves the Court to admit Dr. E. Leonard to practice as an attorney, solicitor and counselor in this Court, and it appearing to the Court that the said Dr. E. Leonard has been duly admitted to practice in the First Judicial District Court; It is therefore ordered by the Court that the said motion be, and the same hereby is, granted, and that the said Dr. E. Leonard be, and he hereby is, admitted to practice as an attorney, solicitor and counselor in this Court; and thereupon the said Dr. E. Leonard appears in open Court, and takes and subscribes the official oath prescribed by the rules of this Court.

Now comes W. T. Thornton Esquire, an attorney of this Court, and moves the Court to admit Charles B. McCandless to practice as an attorney, solicitor and counselor in this Court, and presents to the Court certificates and other papers in support of said motion; Whereupon It is ordered by the Court that the said motion, with the accompanying papers, be and they hereby are, referred to T. F. Bonner, C. H. Goldenberg and Dr. E. Leonard, Esquires, as a committee, for examination and report thereon.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

L. Bradford Prince
Jas. A. Parker
Warren Bristol

Nineteenth Day.

Court meets pursuant to adjournment.

Present, as upon Saturday.

The record of Saturday's proceedings is read and affirmed

Nineteenth Day. Monday, January Twenty-fourth A. D. 1848.

112 The Territory of New Mexico, Appellee
vs.
Nicanor Luna, Appellant
} Appeal from the First Judicial District.

It appearing to the Court, from the record files herein that no judgment was entered upon the verdict in this cause in the Court below. It is considered by the Court that this cause be, and the same hereby is, remanded to the District Court for the County of San Miguel, whence it came into this Court, with directions to enter such judgment and to proceed in due course of law. And that a duly certified transcript thereof.

113 The Territory of New Mexico, Appellee
vs.
Eleuterio Baca
} Appeal from the First Judicial District

It appearing to the Court, from the record files herein that no judgment has been rendered upon the verdict of the jury in this cause in the Court below. It is considered by the Court that this cause be, and the same hereby is, remanded to the District Court for the County of Santa Fe, whence it came into this Court, with directions to enter such judgment and to proceed in due course of law. And that a duly certified transcript thereof.

114 The Territory of New Mexico, Appellee
vs.
Luis Valencia, Appellant
} Appeal from the First Judicial District

This cause has been argued by counsel, and taken under advisement by the Court, and the Court being now fully advised in the premises, is of opinion, that the judgment of the Court below and reverse the same with directions to dismiss the cause, the Attorney General not prosecuting. It is therefore considered and adjudged by the Court that the judgment of the District Court for the County of Rio Arriba, in this cause, be and the same hereby is, reversed; and that this cause be and the same hereby is, remanded to said District Court, whence it came, to be dismissed, with directions to enter such judgment and to proceed in due course of law according to this opinion.

114 Charles B. Fricke, Plaintiff in Error
vs.
Antonio Jose Otero, Defendant in Error
} Error to the First Judicial District

This cause having been argued by counsel, and taken under advisement by the Court, on former days of the present term, the Court being now fully advised in the premises

ises, announces its decision, through Associate Justice Dibble, all the members of the Court concurring, reversing the judgment of the Court below, and remanding the cause with directions to grant a new trial herein and to give the said defendant leave to amend his said ~~record~~ pleas pleaded herein in the Court below. It is therefore considered by the Court that the judgment of the Court below be, and the same hereby is, reversed, and the Marginal be and the same hereby is remanded to the said Court below, with directions to grant a new trial herein, and to give the said defendant leave to amend his pleas pleaded herein in the Court below.

Now come R. St. Bernard, C. H. Gildersleeve and Ira E. Leonard, Esquires, the committee to which was referred on a former day of the present term, the motion for the admission of Charles B. McManus to practice as an attorney and solicitor and counselor in this Court, together with the accompanying papers, and report that they have examined the papers submitted by said applicant and find him qualified under the rules of this Court and entitled to be admitted to practice at the bar of the same; and the said Charles B. McManus having furnished the Court with satisfactory evidence of his good moral character, such evidence being the certificate of G. A. Smith, Collector of Internal Revenue for the Territory of New Mexico, and the Court having satisfied itself after full inquiry, It is ordered by the Court that the said motion be and the same hereby is granted, and that the said Charles B. McManus be, and he hereby is, admitted to practice as an attorney, solicitor and counsellor in this Court; and thereupon the said Charles B. McManus appears and takes and subscribes the official oath prescribed by the rules of the Court.

Now comes Bernard Ilfeld, a native of the Empire of Germany, with open Court, and makes application to become a citizen of the United States, and it being proven to the Court by the testimony of Henry L. Waldo and Max Ilfeld, witnesses of the United States, duly sworn and examined in this matter in open Court, that the said Bernard Ilfeld is twenty-two witnesses, that the said Bernard Ilfeld is twenty-one years of age, that he has resided continuously within the United States five years, three of which next preceding his arrival at the age of twenty-one years, and one year next preceding, immediately preceding this application in the Territory of New Mexico, and that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same, and that for the three years next preceding this application it has been bona fide his intention to become a citizen of the United States; and thereupon the said Bernard Ilfeld makes with that it has been his intention for the time

Day

Mrs E Perkes
Weston Bristol

Twentieth Day.

Court meets pursuant to adjournment.

Present, as when yesterday.

The record of yesterday's proceedings is read, amended and approved.

* 93 The Territory of New Mexico, Appellee. vs. Richard Rennie, Appellant } Appeal from the Third Judicial District

This cause having been argued by counsel, and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announced its decision through Chief Justice Prince, affirming the judgment of the Court below, Associate Justice Parker dissenting from the opinion of the Court. It is therefore considered and adjudged by the Court that the judgment rendered in this cause in the District Court of the Third Judicial District for the County of Dona Ana, be and the same hereby is affirmed, and that the sentence of the said District Court be executed at such time as shall be fixed by the Governor in his warrant of execution, and that a certified transcript be forthwith remitted to the Governor of the Territory a true copy of the indictment of the grand jury with the endorsements thereon, of the plea of the defendant, of the verdict of the jury, of the judgment of the Court, and of the evidence in the cause.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L. Bradford Prince
Samuel C. Parker
Warren Bristol

Twenty first Day Wednesday January Twenty eighth A. D. 1881

Twenty first Day.

Court meets pursuant to adjournment.

Present. as upon yesterday. presiding Chief Justice Turner.

The record of yesterdays proceedings is read and approved.

It is ordered that the Court do now adjourn until Friday morning at ten o'clock.

L Bradford Turner
Sam'l C Parks
William Baird

Twenty second Day

Court meets pursuant to adjournment.

Present. as upon Wednesday. Chief Justice Turner

The record of Wednesdays proceedings is read and approved.

Now comes Henry L Riddick, Esquire, an attorney and counselor of this Court, and moves the Court to admit William H. Ritch to practice as an attorney, solicitor and counselor in this Court; and it appearing to the Court that the said William H. Ritch has been duly admitted as an attorney and counselor in the First Judicial District Court of the Territory. It is ordered by the Court that the said motion be, and the same hereby is, granted, and that the said William H. Ritch be, and he hereby is, admitted to practice as an attorney, solicitor and counselor in this Court; and thereupon the said William H. Ritch appears in open Court and has taken and subscribes the official oath prescribed by the rules of this Court.

Now comes into open Court Stephen G. Vincent, a native of France, and makes application to become a citizen of the United States; and it appearing, to the satisfaction of the Court, that more than two years ago, the said Stephen G. Vincent came to and landed within the Territory of the First Judicial District Court

of this Territory, on the Holy Evangelists of Almighty God, that it was bona fide his intention to become a citizen of the United States, and renounce and abjure forever all allegiance and fidelity to every foreign power, prince, potentate, state and sovereignty whatever, and particularly all allegiance and fidelity to the Republic of France whose subject he was; And it being proven to the Court, by the testimony of William Breeden and John H. Thompson, now here examined on their oaths as witnesses, that the said Henry G. Vincent has resided continuously within the United States five years, and one year next preceding this application, in the Territory of New Mexico; and that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and thereupon the said Henry G. Vincent makes oath that he will support the Constitution of the United States, and that he does absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign power, prince, potentate, state and sovereignty whatsoever, and particularly all allegiance and fidelity to the Republic of France whose citizen he was; and thereupon the Court admits the said Henry G. Vincent to become a citizen of the United States.

103

The Territory of New Mexico Appellee
vs. } Appeal from the First Judicial District
John J. Webb, Appellant

This Cause having been argued by counsel and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision thereon through Associate Justice Bristol, affirming the judgment of the Court below; Chief Justice Parker dissenting; It is therefore considered and adjudged by the Court that the judgment rendered in this cause in the District Court of the First Judicial District for the County of San Miguel, and the same hereby is affirmed, and that the Sheriff of the said District Court do proceed at such time as shall be fixed by the Governor in his warrant of execution; and the Clerk of said Court is hereby ordered to transmit to the Governor of the Territory a true copy of this judgment, judgment of the Court below, judgment of this Court and of the evidence in the cause.

109 The United States of America. Appellees
vs.
William H. Moore. Appellant
} Appeal from the Ninth Judicial District

It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of this Court.

117 Romualdo Baca. Plaintiff in Error
vs.
Adolph P. Barrier. Defendant in Error
} Appeal from the Ninth Judicial District.

This cause having been argued by counsel, and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision, through Associate Justice Bristol, affirming the judgment of the Court below, and the opinion of the Court concurring. It is ordered and adjudged by the Court that the judgment heretofore entered in this cause in the Ninth Judicial District Court at its regular August Term, 1880, held in and for the County of San Miguel, be and the same hereby is affirmed, and that in accordance therewith, the said defendant in error, Adolph P. Barrier, receiver of the said plaintiff in error, Romualdo Baca, the sum of four hundred and eighty dollars and seventy cents with interest thereon from the 22d day of December, 1876, and his costs in said behalf expended, be levied, and that he pay over to said plaintiff his costs in this behalf expended to be levied, and it appearing to the Court that said Adolph P. Barrier has heretofore entered into recognizances as such receiver upon his appeal herein to obtain the issuance of a supersedeas, it is further considered and adjudged by the Court that the said defendant in error, Adolph P. Barrier, receiver of said Romualdo Baca, and Antonio Baca the said sum of four hundred and eighty dollars and seventy cents and also his costs in this behalf expended, as well in this Court as in the Court below, and that he have execution therefor accordingly, and said recognizances.

120 Thomas Keeney, James Hill, Stumpf Ivey Hill and James Aguallo, Appellees
vs.
José Albino Gonzales, Juan Lopez, Severo Borrego, and Francisco Chaves, Appellants
} Appeal from the Third Judicial District.

It is ordered by the Court that this cause be, and the same hereby is, prosecuted until the next term of

This Cause

110 The Mayor &c of Santa Fe, Appellees
vs.
Joseph Storrs and William Pfeiffer, Appellants } Appeal from the First Judicial District.

This cause having been argued by counsel, and taken under advisement by the Court on a former day of the present term, the Court, being now fully advised of the premises, announces its decision, through Associate Justice Parker, reversing the judgment of the Court below, Chief Justice Prince dissenting therefrom; it is therefore considered and adjudged by the Court that the judgment rendered in this cause in the First Judicial District Court at its regular July Term, 1854, held in and for the County of Santa Fe, be, and the same hereby is, reversed, and that this cause be, and the same hereby is, dismissed, and that the said defendants and appellants, Adolph Storrs and William Pfeiffer go hence without day.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L Bradford Prince
Kirby Parker
Warren Bristol

Thursday 23rd day.

Court. pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read, amended and approved.

87 Bernalillo County, Joseph F. Bennett and Henry Lesinsky, Appellants
vs.
James L. Johnson, Appellee } Appeal from the Third Judicial District.

This cause having been submitted to, and taken under advisement by the Court on a former day of the present term, the Court having now sufficiently returned in the premises, announces its decision by Associate Justice Parker, affirming the judgment of the Court below; the Chief Justice dissenting; it is therefore considered and adjudged by the

Court that the judgment of the District Court of the Third Judicial District for the County of Grant therefore rendered in this cause, be, and the same hereby is, affirmed, and that the said defendant and appellee, Julius A. Brunswick, Receiver of the said Plaintiffs and appellants, Cornelius D. Bennett, Jacob F. Bennett and Herman Desenberg, his sureties in his bond as such Receiver, have and recover of and from the said defendant and appellee, Julius A. Brunswick, Receiver as aforesaid, and the sureties in his said bond as such Receiver, dated at the sum of Three hundred and Eighty five dollars and Sixty cents with interest thereon at the rate of ten per centum per annum from the date hereof until paid, and their costs in this behalf expended, and that execution issue therefor.

And it appearing to this Court that Julius A. Brunswick, Receiver as aforesaid has died since the rendition of the judgment of this Court herein, it is further considered that the said death be suggested upon the record herein, and that the said Receiver's office be declared vacant, and that the said Receiver of the said plaintiffs Cornelius D. Bennett, Jacob F. Bennett and Herman Desenberg, his sureties in this behalf expended, have and recover of and from the said defendant and appellee, Julius A. Brunswick, Receiver as aforesaid, his costs in this behalf expended, and that he have execution therefor.

The Territory of New Mexico, Plaintiff and Appellee,
vs. } Appeal from the Third Judicial District.
104 Vicente Martinez, Defendant and Appellant.

This cause having been heretofore argued by counsel, and taken under advisement by the Court, on the [illegible] day of the present term, the Court now announces its decision in the premises as follows, to wit: It appearing to the Court that the judgment of the said District Court in this cause was rendered on the [illegible] day of [illegible] A. D. 1880, and that the same has not been reversed, and that this cause is now before this Court on the mandate of said District Court in accordance with the decision of this Court heretofore rendered herein, it is considered that the said judgment of the said District Court be affirmed, with costs to the said Appellee, and it is so ordered.

The Territory of New Mexico, Plaintiff and Appellee,
vs. } Appeal from the Third Judicial District.
112 Thomas Chitoya, Defendant and Appellant.

The record in the cause filed herein, in accordance with which this cause was remanded to the present term hereof, having been satisfied by agreement between the said parties by their said attorneys, and the said parties by their said attorneys having stipulated in writing that this cause may be reinstated on the docket of this Court, now, therefore, in accordance with said stipulation, it is ordered by the Court that the order remanding this cause to the present term, and the mandate of this Court to the District Court for the County of Bernalillo, be and the same are hereby set aside, and that this cause be reinstated on the docket

reinstated on the docket of this Court; and It is further ordered by the Court that this cause be, and the same hereby is, continued until the next term of this Court.

113 The Territory of New Mexico, Appellee
vs.
Ebenezer Dana, Appellant
} Appeal from the First Judicial District

The defect in the record filed herein, on account of which this cause was, on former day of the present term, remanded by this Court below, having been supplied by agreement between the said parties by their attorneys; and the said parties by their said attorneys having stipulated in writing that this cause may be reinstated on the docket of this Court, now, therefore, and in accordance with said stipulation, It is ordered by the Court that the order made herein on a former day of the present term, remanding this cause to the District Court for the County of San Miguel, be, and the same hereby is, set aside; and that this cause be, and the same hereby is reinstated on the docket of this Court; and It is further ordered by the Court that this cause be, and the same hereby is continued until the next term of the Court.

115 The Territory of New Mexico, Appellee
vs.
Hermenio Lopez, Appellant
} Appeal from the First Judicial District.

It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of this Court.

121 The Territory of New Mexico, Appellee
vs.
Elijah Franklin, Appellant
} Appeal from the

It is ordered by the Court that this cause be, the same hereby is, continued until the next term of the Court.

It is ordered by the Court that the order of the Judges of this Court fixing the times and places of holding the Courts in this respective districts, this day filed in the Clerks office, be spread upon the record, which is accordingly done, as follows to wit:-

The Judges of the Supreme Court of New Mexico assembled at the seat of government aforesaid [illegible] in the 29th day of January A.D. [illegible]

(Twenty third Day) Saturday [illegible] A. D. 18[illegible]

[illegible]

In the Third District [illegible]

In the Second District at Millington [illegible]

In the Third District [illegible]

It is ordered by the Court that Noah Bryan, Esquire, a Justice of the Peace for the United States for the State of Maryland, be and he is hereby authorized and empowered to take the proof and acknowledgment of deeds and other instruments of writing to be recorded among the land records of Kent County, and to certify the same under his hand and seal of office.

Whereas Solomon Wickes of Queen Anne's County by his deed bearing date the fifteenth day of January in the year of our Lord one thousand seven hundred and eighty four, did grant unto Thomas Wickes of the same County, a certain tract of land called Wickes Addition, containing one hundred and fifty acres of land more or less, lying and being in Queen Anne's County aforesaid, and whereas the said Thomas Wickes hath by his last will and testament devised the said tract of land to his son Solomon Wickes, and whereas the said Solomon Wickes hath applied to this Court by his petition praying that the boundaries of the said tract of land may be ascertained, and whereas it appears that the said tract of land contains one hundred and fifty acres of land more or less, and that the boundaries thereof are not ascertained, and that the said Solomon Wickes is desirous to have the same ascertained, and whereas it appears that the said Solomon Wickes hath given to the Sheriff of Kent County aforesaid, and to the other persons interested in the said tract of land, twenty days notice of the time and place of the meeting of the Commissioners appointed by this Court to ascertain the boundaries of the said tract of land, and whereas it appears that the said Commissioners have met on the land aforesaid, and have ascertained the boundaries thereof, and have returned a plat and certificate thereof to this Court, and it is ordered that the said plat and certificate be recorded among the land records of Kent County, and that the said Solomon Wickes pay unto the Clerk of this Court the sum of one hundred and fifty dollars for the same.

Whereas Wm. W. Bland [illegible] the Clerk of this Court, hath rendered to this Court an account of the fees and [illegible] for the services of Sidney Mc Daniel, Esquire, and Isaac Wilson, for the Partition of Nicholas Wickes property, lying and being in Kent County, and the Commissioners fees for the partition of the said land, and the Surveyors fees for surveying the same, and it appearing to the Court that the said fees are reasonable, it is therefore ordered that the said Clerk pay unto the said

reasonably and necessarily performed as therein stated, and whereas said charges are fair and according to law. It is ordered that said account amounting to the hundred and twenty-seven dollars and fifty-five cents, be and the same is hereby approved.

It is ordered by the Court that the following allowances be and they hereby are made to officers of the Court, to wit:

Elfego Baca, Acting United States Marshal,	23 days attendance	$115.—
Sedley M. Reynolds, United States Attorney	21 " "	105.—
Jno D. Sena, Clerk.	22 " "	44.—
L. D. Bonier Sheriff	22 " "	44.—
F. W. Delaney, Clerk.	23 " "	115.—

It is ordered by the Court that the following allowances be paid by the Territory of New Mexico, and they hereby are made to officers of the Court, to wit:

Jno H. Thurman, ex-clerk, for recording opinions of the Court at the January Term, A.D. 1850, 100 folios @ 10¢ $10.00

Jno H. Thurman, for indexing and arranging rules of Supreme and District Courts. 25.00

W. L. Rynerson and William Breeden, for prosecuting the case of the Territory vs. Richard Rennie, on behalf of said Territory, 75.00

W. L. Rynerson and William Breeden, for prosecuting the case of the Territory vs. George W. Maxwell, on behalf of said Territory, 25.00

William Breeden and Henry L. Waldo, for prosecuting the case of the Territory vs. John J. Webb, on behalf of said Territory. 75.00

S. B. Newcomb, for prosecuting the case of the Territory vs. Irra Swearingen, on behalf of said Territory. 50.00

S. B. Newcomb, for prosecuting the case of the Territory vs. Wm. Manning, on behalf of said Territory. 75.00

R. B. Eaton and W. T. Thornton, for prosecuting the case of the Territory vs. Jonathan Stokes and William Mullen, on behalf of said Territory. 50.00

R. H. Dorsey, for prosecuting the case of the Territory vs. Dona-ciano Lopez, on behalf of said Territory. 50.00

S. B. Newcomb, for prosecuting the case of the Territory vs. Elijah Franklin, on behalf of said Territory. 25.00

C. H. Gildersleeve, for prosecuting the cases of the Territory vs. Vicente Manning and the Territory vs. Luis Valencia, on behalf of said Territory. 75.00

R. B. Eaton and W. T. Thornton, for prosecuting the cases of the Territory vs. Thomas Tafoya and the Territory vs. Edwards Baca, on behalf of said Territory. 50.00

Reuben Manning, Sheriff of the County of Santa Fe, for stationery, fuel, time, food, and other expenses, as per bill on file. $[illegible]

Court. 2nd Day . . . . . A. D. 18__

[illegible] for recording the [illegible]
[illegible] of the Grand Jurors, 28[illegible] [illegible] 28.00
Romulus Manning, Sheriff of Santa Fe County, 23 days attendance, 92.00

Upon motion of H. Breckenridge it is ordered that the said H. Breckenridge be admitted to practice as an attorney and counsellor in this Court, and thereupon the said Breckenridge took the oath prescribed by law.

Upon motion of W. Breckenridge it is ordered that George W. Prichard be admitted to practice as an attorney, solicitor and counsellor in this Court, and it appearing to the Court that the said George W. Prichard has been duly admitted to practice as an attorney and counsellor in the first Judicial District Court. It is ordered by the Court that the said Geo. W. Prichard be and he is hereby admitted to practice as an attorney, solicitor and counsellor in this Court, and thereupon the said George W. Prichard took the oath prescribed by law, and subscribed the roll of attorneys of this Court.

It is ordered by the Court that all causes and other proceedings, not otherwise disposed of, be and they hereby are continued until the next term of this Court.

The record of to-days proceedings is read and approved.

It is ordered that the Court do now adjourn sine die

L Bradford Prince c.j.
Samuel C Parks

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, New Mexico, on the first Monday of January, one thousand eight hundred and eighty two, the same being the second day of January A.D. 1882.

Present;

The Honorable L. Bradford Prince, Chief Justice of the Supreme Court of the Territory of New Mexico
The Honorable Samuel B. Parks, Associate Justice of said Court.
The Honorable Warren Bristol Associate Justice of said Court.
Sidney M. Barnes Esquire, United States Attorney for said Territory.
John Sherman Jr. United States Marshal for the District of New Mexico.
Romulo Martinez, Sheriff of the County of Santa Fe.
F. W. Clancy, Clerk.

It is ordered by the Court - that Epifanio Vigil be, and he hereby is appointed Crier to the Court, and he thereupon appears in open Court, and is duly sworn as such.

It is ordered by the Court that D. K. Osborne be, and he hereby is appointed as Bailiff to the Court, and he thereupon appears in open Court, and is duly sworn as such.

Now comes Eugene A. Fiske Esquire, an Attorney and Counsellor of this Court, and moves the Court to admit to practice in this Court Henry L. Warren Esquire; and it appearing to the satisfaction of the Court that the said Henry L. Warren has been duly admitted to practice as an attorney and Counsellor in the District Court of the First Judicial District of this Territory, It is ordered by the Court that the said Henry L. Warren be and he hereby is admitted to practice as an Attorney, Solicitor and Counsellor of this Court; and thereupon the said Henry L. Warren appears in open Court, and takes the official oath prescribed by the rules of this Court.

Now comes Sidney M. Barnes Esquire, an Attorney and Counsellor of this Court, and moves the Court to admit to practice in this Court William D. Lee Esquire; and it appearing to the satisfaction of the Court that the said William D. Lee has been duly admitted to practice as an Attorney and Counsellor in the District Court of the First Judicial

Day [illegible] A. D. 18

[illegible]

Second Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

Now comes William L. Lee, Charles H. Gildersleeve and Louis Sulzbacher Esquires, attorneys and counsellors of this Court to whom a motion for the admission of Edward L. Bartlett Esquire to practice in this Court, was referred on a former day of the present term, and report that the said obbligeant has furnished the necessary testimonials of his qualifications, and is entitled under the rules of this Court to be admitted to practice at the bar of the same; It is therefore ordered by the Court that the said report be and the same hereby is in all respects approved and that the said Edward L. Bartlett be, and he hereby is admitted to practice as an Attorney, Solicitor, and Counsellor of this Court; and thereupon the said Edward L. Bartlett appears in open Court and takes the official oath prescribed by the rules of this Court.

Now comes H. L. Rynerson, Sidney H. Barnes and Frank Springer Esquires Attorneys and Counsellors of this Court to whom a motion for the admission of H. B. Sloan Esquire to practice in this Court, was referred on a former day of the present term and report that the said obligeant has furnished the necessary testimonials of the qualifications, and is entitled under the rules of this Court to be admitted to practice at the bar of the same; It is therefore ordered by the Court that the said report be, and the same hereby is, in all respects approved, and that the said H. B. Sloan be, and he hereby is admitted to practice as an Attorney, Solicitor, and Counsellor of this Court; and thereupon the said H. B. Sloan appears in open Court and takes the official oath prescribed by the rules of this Court.

107. Estanislao Montoya, Plaintiff in error,
vs
John Donohue, Defendant in error
Error to the Second Judicial District

It is ordered by the Court that this cause

be and the same hereby is set down for hearing on tomorrow.

126. The Territory of New Mexico, Appellee, vs. Edward Mc. Kelly, Appellant. } Appeal from the First Judicial District.

To Attorney General being in attendance at this Term of the Court It is ordered by the Court that Thomas B. Catron and William Breeden, Attorneys and Counsellors of this Court be, and they hereby are constituted to appear for and represent the Territory of New Mexico in this case, and to prosecute the same on behalf of the said Territory.

128. The Territory of New Mexico, Appellee vs. David Rudabaugh, Appellant. } [illegible]

To Attorney General being in attendance at this Term of the Court It is ordered by the Court that William Breeden be, and he is hereby appointed to appear for and represent the Territory of New Mexico in this case and to prosecute the same on behalf of the said Territory.

131 The Territory of New Mexico, Appellee vs. Kellogg Benson, Appellant. } Appeal from the First Judicial District.

To Attorney General being in attendance at this Term of the Court, It is ordered by the Court that William Breeden be, and he is hereby appointed to appear for and represent the Territory of New Mexico in this case, and to prosecute the same on behalf of the said Territory.

123. John Ayers, Executor of the last will & testament of William Rosenthal - Appellee. vs. John S. Chisum, Appellant } Appeal from the First Judicial District.

By agreement of the parties, by their respective counsel, It is ordered by the Court that the said Appellant have until next Thursday in which to file his briefs and assignment of errors herein

133. Manuel Bowers, Libellee,
vs
Bandelario Bingaves Libellant.
Appeal from the First Judicial District.

By agreement of the parties by their respective counsel it is ordered by the Court that the said Appellant have until Thursday next in which to file his briefs and assignment of errors herein.

133. Soromon Bentner, Appellant,
vs
Guillermo Trujillo, Appellee.
Appeal from First Judicial District.

By agreement of the parties by their respective Counsel it is ordered by the Court that the said Appellant have until Saturday next in which to file his briefs and assignment of errors herein.

140. Nicolas Irigoyen Plaintiffs.
vs
Cyrus Eaton & Co Defendants.
Error to the First Judicial District.

By agreement of the parties by their respective counsel, it is ordered by the Court that the said plaintiff in error have until tomorrow in which to file his brief and assignment of errors herein.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L Bradford Prince —
Sim[on] Le Parks
Warren Bristol

1,3[illegible]. [illegible] Appeal from First Judicial District.

[illegible]

It is ordered by the Court that this cause be and the same hereby is set down for hearing on next Saturday morning.

177. Luis Badaud, Appellee.
vs.
Romualdo Baca, Appellant. Appeal from First Judicial District.

It is ordered by the Court that this cause be and the same hereby is set down for hearing on tomorrow morning.

[illegible] John B. Lamy, Pff. in Error
vs.
Lucien Bernzon, Deft. in Error. Error to First Judicial District.

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Tuesday next.

[illegible] Louis A. Smith, Pff. in error.
vs.
William Moseley, Deft. in error. Error to First Judicial District.

By agreement of the parties by their respective counsel, It is ordered by the Court that the said Plaintiff in error have until next Monday in which to file his print Brief.

[illegible] Appeal from First Judicial District.

134. Miriam K. Smith, Appellant
vs.
[illegible]

It is ordered by the Court that this cause be and the same hereby is set down for hearing on next Friday morning.

137. Pablo Herzman, Pff. in error, Error to First Judicial District.
vs.
Felix Martinez, Deft. in error.

It is ordered by the Court that this cause be, and the same hereby is set down for hearing on Wednesday morning.

Third Day Wednesday January 4th A. D. 1882.

102. Manuel Gonzales Sandoval, Pltf. in Error
vs.
Nicolas Baca, Deft. in Error } Error to First Judicial District.

On motion of Mr. Catron it is ordered by the Court that the writ of error in the above entitled cause be and the same is hereby dismissed at the cost of the plaintiff in error.

131. The Territory of New Mexico, Appellee
vs.
Antonio Ortiz, Appellant } Appeal from First Judicial District

Now come the said parties by their Attorneys Mr. Warren Esquire and Mr. Catron and say to the Court that the same is settled and compromised and that the appeal herein may be dismissed by the Court that the said appeal is and the costs thereof is assessed and that this cause be and the same is remanded to the District Court in and for the County of Santa Fe with directions to the said Court to proceed herein the same as if no appeal had ever been taken.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L. Bradford Prince
Chief Justice
Wm. Breeden
Associate Justices

Day ... A. D. 18...

143. John L. Sanders, Pltff. in Error,
vs.
Frank Samples, Deft. in Error.

In Error to ... District ...

Cause be and the same is ... on next Thursday ...

Tuesday Day [illegible] A. D. 1882

Louis Bernard, Appellee.

127. vs

[illegible] Appellant.

Appeal from First Judicial District.

Case called for hearing on motion to be heard upon the briefs filed herein and the argument of counsel. Mr. [illegible] Segura for said Appellee and Mr. [illegible] Segura for said Appellant submitted the case and the same being argued by counsel on motion to be heard upon the briefs filed herein and the argument of counsel.

[illegible] Court now take a recess until 9 o'clock A.M. to-morrow.

[illegible]

[illegible] 6th A.D. 1882.

Court meets pursuant to adjournment.

Present as upon yesterday.

Proceedings of yesterday's proceedings is read and approved.

[illegible] Executor of the last will &
testament of William Kerr Appellee.

123 vs

[illegible] S. [illegible] Appellant.

Appeal from First Judicial District.

It is ordered by the Court that this cause be and the same hereby is set down for hearing on the second Saturday of this term.

Jesus Maria Tuna, & Tranquilino Tuna Appellees.

124. vs

Paul Mohr. Appellant.

Appeal from First Judicial District

It is ordered by the Court that this cause be, and the same hereby is, set down for hearing on next Friday.

Day A. D. 18

Sixth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

Came came William Bruin Esquire an attorney and counsellor of this Court and moved the Court to admit Joseph F. Bonham Esquire to practice in this Court; and it appearing to the satisfaction of the Court that the said Joseph F. Bonham has duly authorized to practice as an attorney and counsellor in the District Court of the First Judicial District of this Territory it is ordered by the Court that the said Joseph F. Bonham be and he hereby is admitted to practice as an attorney counselor and counsellor of this Court; and thereupon the said Joseph F. Bonham appears in open Court and takes the usual oath prescribed by the rule of this Court.

Same came William Bruin Esquire an attorney and counsellor in this Court, and moved the Court to admit Albert G. Fisk Esquire to practice in this Court; and it appearing to the satisfaction of the Court that the said Albert G. Fisk has duly authorized to practice as an attorney and counsellor in the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said Albert G. Fisk be and he hereby is admitted to practice as an attorney, Solicitor and counsellor of this Court; and thereupon the said Albert G. Fisk appears in open Court and takes the usual oath prescribed by the rules of this Court.

125 Severin Crotot, Appellee
vs
Thomas Keaty, Appellant
: Appeal from First Judicial District.

This Cause now coming on to be heard upon the briefs filed herein, and the arguments of counsel being argued by E. A. Fiske Esquire, for said Appellee, and by T. F. Conway Esquire for said Appellant, is submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court [illegible]

Seventh Day Monday January 9th A. D. 1882.

Monday morning at ten oclock.

Libraried (illegible)
Sam C. Parks
Messenger Circuit

Seventh Day.

Court meets pursuant to adjournment.

Present as upon Saturday.

The record of Saturday's proceedings is read and approved.

Now comes William H. Moore Esquire and presents to the Court his commission as Attorney for the First Judicial District of the State of Louisiana, which is read and filed, and thereupon the said William H. Moore Esquire is sworn to support the Constitution of the United States and the State of Louisiana, and to discharge the duties of his office with fidelity, as required by law, which oath is ordered to be recorded by the Clerk of this Court, and thereupon the said William H. Moore Esquire, Attorney for the First Judicial District, takes the official oath prescribed by the rules of this Court.

109. The United States of America Appellee,
vs
William H. Moore Appellant. } Appeal from First Judicial District.

This cause now coming on to be heard upon the briefs filed herein, and the arguments of counsel, and having been argued by Wm. H. Moore Esquire for said Appellant and by R. H. Tompkins Esquire for said Appellee, it is submitted to the Court, and the Court not being sufficiently advised in the premises takes the same under consideration.

1140 Theodore Wagner. Plff. in error
vs
Cyrus Eaton & Co. Dft. in error
Error to First Judicial District.

This cause now coming on to be heard upon the briefs filed herein and the arguments of counsel each being argued by T. F. Downey Esquire, for said Plaintiff in error, and by H. D. Lee Esquire, for said defendant in error, is submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under consideration.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Bradford Prince
Wm. C. Parks
Warren Bristol

Tuesday, January 10th A. D. 1882.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

In the matter of Clarence Hayne,
vs
Manuel A. Otero, Appellant. Appeal from First Judicial District

It is ordered by the Court that this cause be set down for hearing on next Thursday.

1121 Justinus A. Smith, Plaintiff in error,
vs
Clarence Moulton, Defendant in error. Error to First Judicial District.

By agreement of the parties by their respective attorneys, it is ordered by the Court that this cause be set down for hearing for the third Thursday of the present term.

Eighth Day Tuesday January 10th A. D. 182

133. Isaac Rowe, Appellee.
vs.
Saml. Reynolds, Appellant.

It is ordered by the Court that the cause stand for hearing on the same day

134. Henry Barnes, Appellee.
vs.
William M. Irwin Appellant.

It is ordered by the Court that this cause stand for hearing on the same day

135. Solomon Bellows, Appellee.
vs.
William Griffin Appellee

It is ordered by the Court that this cause be and the same hereby is set down for hearing on Wednesday

136. William H. Hunter Appellee.
vs.
William T. Morton & E. Frost Trustees, Receivers of the Maxwell Land Grant and Railway Company. Appellants.

It is ordered by the Court that this cause be, and the same hereby is set down for hearing on Friday

137. Louis Badeaud, Appellee,
vs.
Bonnaldo Baca Appellant.

This cause having been argued by counsel and submitted to, and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises announces its decision by Chief Justice Slough affirming the judgment of the Court below as the justices of this Court concurring. It is therefore considered and adjudged by the Court that the judgment heretofore entered in this cause in the First Judicial District Court of the Territory

Anno 1881, this is the day for this Court to come, and that the said Plaintiff and Appellee Louis Bodreaux recover of the said defendant and Appellant Thomas Tarroya the sum of one thousand two hundred and twenty five dollars and seventy nine cents with interest thereon from the sixteenth day of March 1881, and his costs in said District Court expended to wit thirty one dollars and ninety cents, and that the said plaintiff recover, and that he also recover of said defendant his costs in this Court expended to wit thirty one dollars and ninety cents and that the said execution issue; and it appearing to the Court that Andrew Sena and Antonio Jose Baca are sureties of the said defendant and appellant upon his bond filed herein to obtain a stay of execution of the said judgment of said District Court. It is therefore considered and adjudged by the Court that the said plaintiff and appellee Louis Bodreaux recover of the said sureties Andrew Sena and Antonio Jose Baca the sum of one thousand two hundred and twenty five dollars and seventy nine cents and also his costs in this behalf expended as well in the Court below as in this Court and that he have execution therefor against said sureties.

12. The Territory of New Mexico Appellee,
vs
Tomas Tarroya Appellant

Appeal from First Judicial District

This cause having been argued by counsel and submitted to, and taken under advisement by the Court at a former term of this Court, the Court being now now sufficiently advised in the premises announced its decision by Associate Justice Bristol, reversing the judgment of the Court below and dismissing this cause for reasons set forth in the opinion of the Court on file, and the Justices of this Court concurring; It is therefore considered and adjudged by the Court that the judgment heretofore entered in this cause in the First Judicial District Court at its regular August term 1880, held in and for the County of San Miguel be, and the same hereby is reversed, and that this cause be, and the same hereby is dismissed and that the said defendant and Appellant Thomas Tarroya go hence without day, and recover his costs in this behalf expended to be taxed.

Eighth Day Tuesday January 10th A. D. 18[illegible]

113

The Territory of New Mexico, Appellee
vs.
Eleuterio Baca, Appellant

Appeal from First Judicial District

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term of this Court, and being now sufficiently advised in the premises announces its decision by Associate Justice Christ[illegible] reversing the judgment of the Court below and dismissing this cause for reasons set forth in opinion of the Court on file. All the justices of the Court concurring. It is therefore considered and adjudged by the Court that the judgment heretofore entered in the cause in the First Judicial District Court at the regular term thereof begun and held in and for the County of Santa Fe on the 1st Monday in September A.D. 1880, be and the same is hereby reversed, and that said cause be and the same is hereby dismissed and that the said defendant and appellant [illegible] without day, and recover his costs [illegible] ended to the [illegible].

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Chas. Fiske
Asst. U. S. Attys

Ninth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

Now comes William Braden Blaine, an Attorney in Law and presents to the Court his Commission as Attorney General of New Mexico together with his official oath which is in words, and figures, following to wit:

Commission of the Territory of New Mexico.

To all to whom these Presents may come Greeting: Know ye, that reposing special trust and confidence in William Braden Blaine of Santa Fe and by and with the advice and consent of the Council do appoint and commission him Attorney General of the Territory of New Mexico from the 19th day of January, one thousand eight hundred eighty two. He will therefore carefully and diligently to discharge the duties of said office by doing all things thereunto belonging and performing all such duties as may be required by law. This commission to continue in force during the time prescribed by law.

In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the Territory of New Mexico to be affixed. Done at Santa Fe this 19th day of January one thousand eight hundred and eighty two.

Seal

By the Governor,
W. G. Ritch.
Secretary of the Territory.

Miguel A. Otero,
Governor of New Mexico

Territory of New Mexico,
County of Santa Fe

I, William Braden having been appointed and commissioned, Attorney General for the Territory of New Mexico do solemnly swear that I will support the Constitution of the United States, and the laws of the Territory of New Mexi

and that I will well, truly and faithfully discharge the duties of said office according to my best skill and understanding, so help me God.

William Bradbury.

Subscribed and sworn to before me this third day of January A.D. 1882.

[illegible]

128. The Territory of Utah plaintiff
vs. In the First Judicial District
David Rubbanger defendant.

This cause now comes on to be heard upon the record but upon motion it is ordered that the case be submitted without argument and the Court will render judgment hereafter in the premises when the case under advisement

127. Philip Hoffman plaintiff
vs. In the First Judicial District
Felix Martinez defendant.

This cause now comes on to be heard upon the brief filed herein, is argued by Counsel on both sides. Submitted on brief

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

L. Bradbury Clerk
John U. C. Parker
Wm. Van Brunt

Seventh Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

137. Philip Holzman, Plff in error, vs Felix Martinez, Defdt. in error } Error to First Judicial District

This cause again coming on to be heard, is argued by H. D. Lee Esquire for said Defendant in error, and by F. B. Catron Esquire for said Plaintiff in error, and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L Bradford Prince
Chief Justice
Wm. A. Pinkerton
Associate

Saturday Morning Session May 19th

Day

Twenty fifth Day Saturday, January 14th A. D. 1882.

Twenty fifth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yestirdays proceedings is read and approved.

Now comes Eugene A. Fiske Esquire, an Attorney and Counsellor of this Court, and moves the Court to admit Miguel Salazar Esquire, to practice in this Court, and it appearing to the satisfactrum of the Court that the said Miguel Salazar has been duly admitted to practice as an Attorney and Solicitor in the District Court of the First Judicial District of this Territory, as appears to the Court that the said Miguel Salazar Esquire is admitted to practice as an Attorney Solicitor and Counsellor of the District Court, Therefore the said Miguel Salazar takes the oath prescribed by the rules of this Court.

Theodore Hagner, Plaintiff in error,
vs
Cyrus Eaton & Co. Defendants in error. } Error to First Judicial District.

This cause having been argued by counsel and submitted, is now taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Parks affirming the judgment of the Court below, as the Justice of this Court concurring: It is therefore considered and adjudged by the Court that the judgment heretofore entered in this cause in the First Judicial District Court at its special October Term 1881, held in and for the County of San Miguel, be, and the same hereby is affirmed, and that in accordance therewith the said defendants in error Cyrus Eaton Co recover of the said plaintiff in error Theodore Hagner the sum of one hundred and forty one dollars and sixty seven cents, with interest thereon from the fifteenth day of October, 1881, at the rate of one and one half per cent per month, and his costs in said District Court expended taxed at eighteen dollars and fifty five cents and that he have execution therefor, and that he also recover of said

plaintiff in error his costs in this behalf expended
taxed at dollars and cents, and that
he also have execution therefor.

125. Segerino Crotot, Appellee
vs
Thomas Maloy, Appellant. } Appeal from First Judicial District

This cause having been argued by counsel, and submitted to, and taken under advisement by the Court, on a former day of the present term, the Court being now sufficiently advised in the premises, announced its decision by Hon. Associate Justice Bantz affirming the judgment of the Court below, whereupon the justices of this Court considered, in the premises, considered and adjudged by the Court that the judgment heretofore entered in this cause in the First Judicial District Court at the regular [illegible] 1881 held in and for the [illegible] and the same hereby is affirmed, [illegible] cordance therewith, [illegible] and that [illegible] plaintiff [illegible] the sum of [illegible] February 1881 [illegible] and that [illegible] expended taxed at seventeen dollars and cents, and that he have execution therefor and that he also recover of said defendant [illegible] Court expended taxed at [illegible] and that he also have execution [illegible] ing to the Court [illegible] as costs of said judgment of said District Court, and that he have execution therefor against said defendant.

94. The Territory of New Mexico, Appellee
vs
George H. Maxwell, Appellant. } Appeal from Second Judicial District.

This cause coming on to be heard

upon the motion in this cause heretofore, and the arguments of counsel, is argued by D. B. Newcomb for said defendant and Abandant, and by William Breeden Esquire Attorney General of the Territory of New Mexico for said plaintiff and respondent.

It is ordered that the Court Now Court do now adjourn until Monday morning at ten o'clock.

L Bradford Prince
Samuel C Parks
Marcus Brunt

Thirteenth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

Law ~~ner~~ Francis Dawne ~~came~~ an attorney ~~of~~ counsellor of this court ~~and~~ moves ~~the~~ court ~~that~~ George W. Fox Esquire ~~a~~ brother ~~of~~ the bar of Louisiana ~~be~~ admitted ~~to~~ practice as an attorney ~~and~~ counsellor ~~at~~ law of this Court: ~~and~~ ~~it~~ appearing ~~to~~ the ~~Court~~ that ~~the~~ said motion ~~is~~ in accordance with ~~the~~ ~~rules~~ of this Court ~~it~~ is ordered by the Court that the said motion be granted ~~and~~ the said George W. Fox Esquire ~~be~~ admitted to practice as an attorney counsellor ~~and~~ solicitor of this Court: ~~and~~ ~~thereupon~~ the said George W. Fox Esquire appeared in open Court and took the oath prescribed by law.

94. The Territory of Louisiana Appellee
vs. Error to First Judicial District
George W. Brownell Appellant.

This cause coming on to be heard, is further argued by Wm. Grant Esquire for appellant, and submitted. & the Court, the Court not being sufficiently advised in the premises, take the same under advisement.

129. John B. Fanny, Plaintiff in error.
vs. Error to First Judicial District
Lucien Remyza Defendant in error.

This cause coming on to be heard upon the transcript of record, and being argued by T. J. Semmes Esquire for said Plaintiff in error, and by T. B. Urquhart Esquire for defendant in error, is submitted to the Court, and the Court not being fully advised in the premises, take the same under advisement.

[illegible] Jesus Maria Luna et al Transcript on Appeal from First Judicial District
vs. Motion.

[illegible] the said parties by their respective attorneys and the motion of defendant for a rule on the Clerk of [illegible] Judicial District in and for the County of Santa Fe to correct the transcript herein being heard and submitted, It is ordered that said Clerk duly certify to [illegible] court a true copy of the record and proceedings in this cause, correcting the errors in the copy thereof now on [illegible] said motion as follows to wit:

1st Insert defendants exception numbered eight next after line No. 25 on page 135, in said transcript, instead of on page 314 [illegible] where same now appears.

2nd Insert defendants exception numbered thirteen on page No. 138 after line 24, instead of on pages Nos 345 and 346, where same now appears.

3rd Insert defendants exception numbered seventeen on page 140 after line No. 20, instead of on page 396 where same now appears.

4th Insert defendants motion to suppress parts of the depositions of S.S. Wallace Richard S. Wooten, and George F. and F. W. Bonner, and the order of Court overruling the same, and defendants exception to such order, consecutively after line No. 6 on page No. 146 instead of on pages 110, 111 - 112, 113 and on pages 305-306 and 307 where same now appear.

5th - Insert depositions of Wallace, Wooten, George F and F. W. Bonner, read by plaintiffs in evidence, next after defendants exception to order overruling his motion to suppress parts of said depositions

last above mentioned, instead of on pages 307 to 331, inclusive where same now appears.

6th. Insert deposition of Chas. Fleischmann, read in evidence by defendant, next after the matter contained in line 33 on page 229 in transcript on file, instead of on pages 333 to 357, inclusive where same now appears.

7th. Insert the additional depositions of W.S. Watters and J.J. Wallace, read by defendant filed next after the matter contained in line 20, on page 230, instead of on pages 357 to 370, where same now stand.

8th. Insert depositions of Chas. Paul & Chas. Fred Winkleman respectively, read by the defendant filed in evidence, next after matter contained in line 20 on page 330, instead of on pages 332 to 337 inclusive where same now appear.

9th. Insert exhibits now on file in cause filed in line 9 on page 342, where also appear on said transcript.

10th. Insert exhibits now on file in cause filed in line 6 on page 343 where now appear on pages 118 to 120 inclusive. Be it said, that no exhibits to the contrary, ever make their appearance in the transcript thereof.

It is ordered that court do now adjourn until tomorrow morning at ten o'clock.

Thos. E. Davis
Sam'l C. Parks
Wm. Fred Elliott

Fourteenth Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

The Territory of New Mexico Appellee,
vs.
126. Edward M. Kelly, Appellant } Appeal from First Judicial District.

This cause coming on to be heard upon the record and the briefs filed herein, is submitted to the Court without argument, and the Court not being sufficiently advised in the premises, takes the case under advisement.

William H. Swaston, Plaintiff in error
vs.
130 William T. Thornton & E. Platt Stratton Receivers of the Maxwell Land Grant and Railway Company, Defendants in error } Error to First Judicial District.

This cause coming on to be heard upon the record and the briefs filed herein, is argued by Mr. Reese Bowne for said Plaintiff in error.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

L. Bradford Prince
Saml. C. Parks
Attorneys for Plaintiff

A. D. 18

Saturday Day [illegible] A. D. 1882

Saturday

[illegible]

[illegible]

[illegible]

Seventieth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

Record of yesterdays proceedings is read and approved.

Now comes Eugene A. Clark Esquire on behalf of his counsellor of this Court, and moves this Court to grant to Wm. C. Russell Esquire to practice in this Court pro hac vice for the satisfaction of this Court and the said Wm. C. Russell has duly qualified as an attorney of this Court in the District of Columbia as appears to the Court by the certificate of the Clerk of the District Court of the District of Columbia and thereupon it is ordered by the Court that the said Wm. C. Russell be and he is hereby admitted to practice as an attorney of this Court pro hac vice for the purpose of this cause and thereupon the said Wm. C. Russell takes the oath prescribed by law and signs the rules of this Court.

It is ordered that [illegible] the [illegible]

Eighteenth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

[illegible] to First Judicial District.

[illegible] to the Court on the [illegible] the Court does not sufficiently advise thereof in the premises its decision thereon is [illegible] Court at its regular August Term 1881, held in and for the County of Moore be, and the same hereby is affirmed, and that in accordance therewith, the said Defendant Frank Sanders go hence without day, and recover of the said Plaintiff, John L. Sanders his costs in this behalf expended, as well in the Court below as in this Court, taxed at dollars and cents, and that he have execution therefor.

Henry Burnett, Attorney.
vs
Nicholas D. Swift, Appellant

Appeal to First Judicial District.

This cause having been argued by counsel and submitted to, and taken under advisement by the Court on a former day of the present Term, the Court being now sufficiently advised in the premises announce its decision by Associate Justice Bristol reversing the judgment of the Court below, the Chief Justice dissenting from two points in said decision, and reserving the right to hereafter file an opinion in writing in this cause; It is therefore considered and adjudged by the Court that the judgment heretofore entered in this cause in the First Judicial District Court at its regular August Term 1881 held in and for the County of Wayne

be, and the same hereby is reversed and that the [illegible] plaintiffs herein be returned to the said defendants [illegible] William Dr. Irwin, and that the said [illegible] costs of the said plaintiffs and defendants [illegible] in this behalf expended [illegible] this Court. [illegible] be had execution [illegible].

The Territory of [illegible]

138. David Rudebaugh [illegible]

[illegible] under advisement by [illegible] term the court [illegible] announces its decision [illegible] judgment of the court [illegible] concurring. It is therefore [illegible] that the judgment [illegible] of the said [illegible] in and for the county [illegible] is reversed, and that [illegible] be had in this behalf [illegible] Justice Prince, [illegible]

107. Estanislao Archuleta [illegible]

vs

John Rudebaugh [illegible]

This cause coming [illegible] submitted to, and taken under advisement by the court [illegible] Justice Prince, presiding [illegible] concurring. It is therefore ordered by the court that the judgment of the district court [illegible] in and for the county of Bernalillo, [illegible] is reversed, and that [illegible] be had in this behalf [illegible] the said district court [illegible] county of Bernalillo where it came into [illegible] directions of said district court [illegible] and that the said plaintiff [illegible] Montoya

Eighteenth Day ... A. D. 18...

[illegible]

It is ordered that the Court do now adjourn until Monday

[illegible]

S Bradford Prince
Sam'l C Parks
Witness Bridel

Nineteenth Day.

Court meets pursuant to adjournment.

Present as upon Saturday.

The record of Saturdays proceedings is read & approved.

1211 The Territory of New Mexico Appellee
vs
Elijah Frankfin Appellant. } Appeal from Third Judicial District.

This cause coming on to be heard upon the record herein, & the requirements of Counsel is argued by S. B. Duncan Esquire & the Attorney General, for said Appellee, no one attending for said Appellant, and submitted to the Court, & the Court not being sufficiently advised in the premises takes the same under advisement.

1444. Thomas J. Bull Appellant
vs
James W. Southwick Appellant. } Appeal from Third Judicial District

1445. John D. Barncastle, Appellee.
vs
Martin Amador Appellant } Appeal from Third Judicial District

1446. Evangelista Chaves, Appellee
vs
Maximo Castenada Appellant } Appeal from Third Judicial District.

The foregoing three causes coming on to be heard together upon the records and briefs filed herein, & the arguments of counsel as required by H. S. Duncan Esquire for said Appellee.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

S. Bradford Chief
Justice
Wm. Brady

Twentieth Day.

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read and approved,

144 Thomas J. Buck. &c. Respt.
vs
James N. Southwick. Appellant

Appeal from Third Judicial District.

145. John D. Buncastle. Appellee.
vs
Martin Maud. Appellant

Appeal from Third Judicial District.

Evangelista Lewis &c. Respt.
vs
Richard Maud. Appellant.

Appeal from Third Judicial District.

The parties in the causes again coming on before the Court by their Counsel, to wit Edwin Eckel=son Esquire, for said Eckel=son & Samuel Hitchcock & Hiram D. Horton, & N. E. Warren Esquires, for said Appellees,

On motion of said Appellees by their Counsel it is ordered that the causes stand over until tomorrow morning at ten o'clock.

Chas Hoffman Clerk
Sam'l to Parker

Twenty first Day Wednesday January 25 A. D. 1882.

Twenty First day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

1144. Thomas J. Butt Appellant
vs
James H. Southwick Appellant
Error from Fourth Judicial District.

1145 John A Buncombe Appellant
vs
Martin Duncan Appellant
Error to Fourth Judicial District.

1146 Evangelista Lewis Appellant
vs
Marcus Gastman Appellant
Error to Fourth Judicial District.

On motion of the said defendant by his Attorney T B Catron Esquire, the said attorney by his Attorney E.A. Fiske Esquire, objecting and excepting thereto, it is ordered by the Court that the proceedings upon the execution issued upon the judgment rendered herein be and the same hereby are suspended until next Thursday or the further order of the Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

S Bradford Chief Justice
Frank W Parks
Warren Bristol

Twenty second Day,

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

Now comes Daniel O'Meara, an alien, and makes application to be admitted to become a citizen of the United States and it being made to appear to the satisfaction of the Court by the testimony, under oath, of B. Allen, and Charles H. Gildersleeve, citizens of the United States that the said Daniel O. Meara resided in the United States three years next preceding his arrival at the age of twenty one years and has continued to reside until the time of making this application, and that he has resided more than five years within the United States including the three year of his minority, and within the Territory of New Mexico one year at least, and it appearing that time he has behaved as a man of good moral character attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; and the said Daniel O'Meara, having on oath, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince potentate, state or sovereignty, and particularly to Victoria Queen of Great Britain and Ireland and Empress of India, and that said oath by him taken and further declaring on oath, and proving to the satisfaction of this Court, that for two years next preceding his declaration, it has been his bona fide intention to become a citizen of the United States; and the said Daniel O'Meara declares on oath that he will support the Constitution of the United States and that he absolutely and entirely renounces his allegiance and fidelity to every foreign prince potentate state or sovereignty, and particularly to Victoria Queen of Great Britain and Ireland and Empress of India, It is ordered by the Court that the said Daniel O'Meara be, and he hereby is admitted to become a citizen of the United States.

134. William H. Newton, Plaintiff in error
vs.
William B. Thornton & S. Hunt Stratton, Receivers of the Maxwell Land Grant & Railway Company, Defts. in error

Error to First Judicial District.

This cause again coming on, for the Court

This Writ Day Tuesday January 21 A. D. 18 52

Sutton
In Debt vs. Wm Ferguson for coll. Identified in case and in
Frank Sperry and Wm Ferguson for said Defendants
in.

It is ordered that the Court do now adjourn until the
Morrow morning at ten o'clock.

Thaddeus Stevens
Pres. Ct Pro Tem
Wm Bigler

Twenty Third Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

139. William H. Newton, Plff. in error.
vs.
William J. Thornton and E. Platt Stratton, Receivers of the Maxwell Land Grant and Railroad Company, Defts. in error. } Error to First Judicial District.

This cause again coming on to be heard, is further argued by Sidney M. Barnes Esquire for said Plaintiff in error, and submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement.

It is ordered by the Court that the Court do now adjourn until Monday morning at ten o'clock.

L. Bradford Prince
Secretary & Parker

Twenty Fourth Day. Monday January 30th A. D. 18[illegible].

Twenty Fourth Day.

Court meets pursuant to adjournment.

Present as upon Friday.

The record of Fridays proceedings is read and approved.

94. The Territory of Arizona (ex rel)
George H. Kearney, Relator.
vs
Fourth Judicial District.

[illegible]

120
John D. Walker, Plaintiff
vs
Lucien Barnum, Defendant.
Fourth Judicial District.

This cause having been regularly called, and submitted to the Court for decision on a former day of this term, and the Court being now sufficiently advised in the premises announces its decision by Associate Justice [illegible] as follows, to wit:

Court. It is therefore considered and adjudged by the Court. That the judgment rendered in this cause in the First Judicial District Court of the Counties of Pima and Maricopa on the 14th day of April A.D. 1881 be, and the same hereby is affirmed, and that the plaintiff in error pay to the said defendants in error, the sum of Two Hundred dollars with interest thereon from the 14th day of April 1881, heretofore adjudged herein, and also his costs and disbursements, to be taxed at [illegible] dollars and [illegible] cents, and that he

have execution therefor: and it appearing to the Court that John August Truchard and Peter Equillon are sureties of the said Plaintiff in error whose writ of error has been issued to obtain a writ of supersedeas in this cause, It is further considered and adjudged by the Court that the said defendant in error Garrison Agent of &c. and sureties John August Truchard and Peter Equillon the said sum of two Hundred dollars, and also his costs in this behalf expended as well in the Court below as in this Court, and that he have execution therefor against said sureties.

Ordered that Court do now adjourn until tomorrow morning 10 o'clock.

L. Bradford Prince
Saml C. Parker
Wm Binet

Day

A. D. 19

Respectfully Yours
John H. Peoples
Manager Feed Dept

Twenty sixth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

Record of yesterdays proceedings is read and approved.

The Territory of Arizona Appellee.

vs. Appeal from First Judicial District

Edward Ellis Appellant

This cause having been submitted to, and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently informed in the premises announces the decision of the Court, whereupon Associate Justice Wilson delivers the opinion of the Court, Chief Justice Tweed concurring; It is therefore ordered and adjudged by the Court that the judgment of the District Court of the First Judicial District of the Territory of Arizona in and for the County of Pima be and the same is affirmed and that the Sheriff of said Pima County be directed to execute the judgment of said District Court at such time as shall be fixed by the Court for execution; and the Clerk of this Court is ordered to certify the opinion of the Court to the Honorable the Governor of the Territory of Arizona.

The Territory of Arizona Appellee

vs. Appeal from First Judicial District.

Ah Chee Appellant

This cause having been argued and submitted to the Court on a former day of the present term, on motion of Mr. Chas. H. Lesser Attorney for the Appellant, it is ordered that the Appellant have leave to withdraw the Transcript of the record filed herein, for the purpose of having the same certified by the Clerk of the District Court of the First Judicial District of the Territory of Arizona to the United States Circuit Court

Twenty seventh Day.

Court meets pursuant to adjournment

Present as upon yesterday. excpt the Honorable Warren Bristol.

The record of yesterdays proceedings is read and approved.

It is ordered that Court do now adjourn until tomorrow morning at ten o'clock.

L Bradford Prince
Sheriff & Ex Officio

Twenty-eighth Day Friday February 3rd A. D. 18[illegible]

Twenty eighth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved,

109 The United States of America, Appellee
vs
William H. Moore Appellant

Appeal from the District Court of the United States for the District of Kansas.

Counsel for the parties in this cause having announced that they are ready for the argument of the same, it is ordered that the hour of ten o'clock A.M. of this day be assigned for the hearing thereof.

137 Philip Morgan Esq.
vs
Levi Martin,

Appeal from the District Court of the United States for the District of Kansas.

And the appellant's counsel having filed his brief herein, and the appellee's counsel stating that he will not file a brief herein, but will submit the cause upon the appellant's brief, it is ordered that the cause be heard on the appellant's brief at ten o'clock A.M. on Monday morning.

Supreme Court
Kans. Ter.

Thirty Sixth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

The Territory of New Mexico, Appellee.
vs
121. Elijah Franklin. Appellant

Appeal from Third Judicial District

This cause having been submitted to, and been under advisement by the Court on a former day of this present Term, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Bantz assuming the judgment of the Court in the absence of Justice Beck concurring, It is therefore considered and adjudged by the Court that the judgment rendered in the cause in the District Court of the Third Judicial District at the regular December Term 1880 thereof in and for the County of Grant be and the same is hereby affirmed, and that the sentence of the said District Court be executed at such time as shall be fixed by the Governor under the warrant of execution; and the Clerk of this Court is hereby ordered to transmit to the Governor of the Territory a true copy of the indictment and judgment of the Court below, as the same appear by the transcript on file in this Court, and the judgment of this Court.

The United States of America Appellees,
vs
122. Charles Lewis alias Charles Foster Appellant

Appeal from First Judicial District

This cause coming on to be heard by the Court upon the transcript of the record, introduced on the part of the Appellee in this Court, now on file in this Court and considered as by the Court, It is ordered that the judgment rendered in this cause.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

L. Bradford Prince
Chief Justice

Thirtieth Day.

Court meets pursuant to adjournment.

Present as upon Saturday.

The record of Saturday's proceedings is read and approved.

It is ordered that the Court do now adjourn to Friday morning at [illegible] o'clock.

Chas Spratt Hughes
Sam C Parks

[illegible]

[illegible]

Present as upon [illegible]day.

Petition of [illegible] having been read and approved,

[illegible] to practice in this Court, whereupon he is examined by the Court and [illegible] accompanying papers and [illegible] a certificate for examination that the said Petitioner has furnished the necessary testimonials of his qualifications, and is entitled under the rules of this Court to be admitted to practice as an attorney, Solicitor and Counsellor of this Court and thereupon the said [illegible] is sworn in open Court and takes the oath prescribed by the rules of this Court.

Now comes Henry L. Warren Esquire, an attorney and counsellor of this Court, and moves the Court to admit W. S. Stone Esquire to practice in this Court whereupon, It is ordered by the Court that said motion be and the same hereby is referred to M. H. Wells, S. M. Barnes and Edgar Conley Esquires as a committee for examination and report thereon, and said committee reporting that said applicant has furnished the necessary Qualifications testimonials of his and is entitled under the rules of this Court to be admitted to practice at the bar of this Court. It is ordered by the Court that the said report be, and the same hereby is in all respects approved and that the said W. S. Stone Esquire be, and he hereby is admitted to practice as an attorney, Solicitor and counsellor of this Court, and thereupon the said W. S. Stone Esquire, appears in open Court, and takes the oath prescribed by the rules of this Court.

Now comes [illegible] Esquire, an attorney and counsellor at this Court, and moves the Court to admit George W. Brooks Esquire to practice in this Court, and it appearing to the

Thirty First Day Wednesday February 5. A. D. 1862

satisfaction of the Court that the said George W. Brooks has been duly admitted to practice as an Attorney and Counsellor in the District Court of the First Judicial District of this Territory. It is ordered by this Court that the said George W. Brooks be, and he hereby is admitted to practice as an Attorney, Solicitor and Counsellor of this Court and thereupon the said George W. Brooks Esquire appears in open Court and takes the official oath prescribed by the rule of this Court.

Now comes Sidney M. Bower Esquire and petitions the Court of this Court and moves the Court to admit Frederick A. Tompkin Esquire to practice in this Court and it appearing to the satisfaction of the Court that the said Frederick A. Tompkin has been duly admitted to practice as an Attorney and Counsellor in the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said Frederick A. Tompkin be and he hereby is admitted to practice as an Attorney, Solicitor and Counsellor of this Court and thereupon the said Frederick A. Tompkin appears in open Court and takes the official oath prescribed by the rule of this Court.

Now comes Edgar Cowden Esquire an Attorney and Counsellor of this Court and moves the Court to admit John D.H. Nuckolls Esquire to practice in this Court and it appearing to the satisfaction of the Court that the said John D.H. Nuckolls has been duly admitted to practice as an Attorney and Counsellor in the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said John D.H. Nuckolls be, and he hereby is admitted to practice as an Attorney, Solicitor and Counsellor of this Court, and thereupon the said John D.H. Nuckolls Esquire appears in open Court and takes the official oath prescribed by the rule of this Court.

144. Thomas J. Burt, Appellee
vs.
James H. Southwick, Applicant. } Appeal from this Judicial District.

This cause having been argued by counsel, and submitted to, and taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Parks affirming the judgment of the Court below, and Chief Justice Bruce dissenting thereupon. It is therefore ordered and adjudged by the Court that the judgment of the District

1145

Diana Bernardina Arpalin

Martin Bernardo Arpalin

1146

Pedro Bernardino Arpalin

Martin Bernardo Arpalin

Thirty First Day Wednesday January [illegible] A. D. 18[illegible]

[illegible]

Bradford Crocker
Samuel C. Parker

Court met pursuant to adjournment.

Present as upon yesterday.

Journal of proceedings of yesterday read and approved.

[illegible] Attorney for the Territory of the Second Judicial District of the Territory of Nebraska and Attorney of the District Courts of the Territory of Nebraska for the County of Douglas and [illegible] the Territory aforesaid in the Supreme Court of the Territory aforesaid

[illegible] ordered to this Court by the Supreme Court of the Territory aforesaid, the Honorable Augustus Hall, Chief Justice, and the Honorable Fenner Ferguson, Associate Justice of the Supreme Court of the Territory aforesaid, [illegible] the Supreme Court of the Territory aforesaid, and the same [illegible]

[illegible] Attorney for the Territory aforesaid, [illegible] to this Court an account of his fees [illegible] to the Court and [illegible] sworn on oath, [illegible] to the satisfaction of the Court that the sworn statement charged [illegible] actually performed as therein stated. It is therefore ordered by the Court that said account amounting to [illegible] be allowed by the Court and the same [illegible]

14. Appeal from Third Judicial District.

Daniel Bonnycastle.

This cause having been [illegible] submitted to and taken under advisement by this Court on a former day of the present term the Court having now fully considered the same announces its decision as Associate Justice Pardee affirming the judgment of the Court below with costs. This cause for execution of said judgment and the Statutes of this Court concerning.

It is therefore considered and adjudged by the Court that the judgment of the District Court of the Fifth Judicial District in and for the County of Lincoln in the above entitled action be and the same is hereby affirmed and that the said District Court do proceed in accordance with the decision of this Court herein. And it is further considered and ordered by this Court that the said Plaintiff in Error pay to the said Defendant in Error his costs in this behalf expended to be taxed and that he have execution therefor.

Thomas Jefferson Sherman the United States Marshal for this District of Nevada who was duly served with the writ of Supersedeas issued herein on the 5th day of January 1887 at 2 o'clock P.M. of said day and the said Thomas Jefferson Sherman duly made return of his doings thereon as appears from the records and files of this Court.

Thomas Jefferson Sherman [illegible] for this Court on account of his [illegible] January 1887 at [illegible] with the records and files of this Court, [illegible] and the said Thomas Jefferson Sherman [illegible] of this Court. That [illegible] attached and [illegible] his duly appointed [illegible] and [illegible] and [illegible] and

Day A. D. 18

It is ordered that the Court do now adjourn sine die

L Bradford Prince
Sam'l A Parks

First Day Wednesday January 1 A. D. 1883

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of government of said Territory, on the first Monday of January, in the year one thousand eight hundred and eighty three;

Present:-

The Honorable Samuel B. Axtell, Chief Justice of said Court;
The Honorable Joseph G. Bell, Associate Justice of said Court;
The Honorable Warren Bristol, Associate Justice of said Court;
L. M. Barnes, Esquire, Attorney for the United States;
T. B. Catron, Esquire, Clerk of said Court;
Benjamin Read, Deputy United States Marshal, and
Antonio Ortiz, Deputy Sheriff, of the County of Santa Fe.

It is ordered by the Court that L. M. Barnes, Esq., T. B. Catron and S. B. Newcomb, Esquires, be and they are hereby appointed a committee to examine William Breeden, Esq. applicant for admission to the bar of this Court, as to his qualifications

It is ordered that the Court do now adjourn until tomorrow morning at nine o'clock.

S. B. Axtell
Chief Justice
Joseph G. Bell
Warren Bristol
Associate Justices

Second Day

Court meets pursuant to adjournment

Present, as upon yesterday, and also, William Breeden, Esquire, Attorney General for said Territory of New Mexico.

The record of yesterday's proceedings is read and approved.

It is ordered by the Court that William Breeden and Eugene A. Fiske Esquires, be, and they hereby are, added to the committee appointed upon yesterday to examine John [illegible] as to his qualifications for admission to the Bar of this Court; and there-

upon the said committee proceeds to examine the said John Somers in open Court as to his said qualifications, and after due examination, reports favorably upon the application of the said John Somers, and recommends his admission to practice as an attorney, solicitor and counsellor of this Court; and the said John Somers having furnished this Court with satisfactory evidence of his good moral character, such evidence being a certificate of Wilson B. Shields, Esquire, a counsellor of this Court, — It is ordered by the Court that the said John Somers be, and he hereby is admitted to practice as an attorney, solicitor and counsellor of this Court; and he thereupon takes and subscribes the oath prescribed by the rule of the Court.

Samuel Ringgold et al. vs. W. Blain Brown } Error to First Judicial District Court.

On motion of said plaintiffs in error by their attorney, R. B. Batton, Esquire. It is ordered by the Court that this cause be, and the same hereby is continued until the next term of this Court, and that alias citation issue to the Sheriff of Rio Arriba County, for service upon said defendant in error.

The Directors of New Mexico vs. L. Warner Sales } Appeal from First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is continued until the next term of the Court.

Hiram Hickey, James Hill, Humphrey Hill and Andres Aguallo, Appellees vs. Jose Albino Bandelier, Juan Lopez, Lebero Bernal and Francisco Maes, Appellants } Appeal from Third Judicial District Court.

Now come the said complainants and appellees by their solicitor, S. B. Newcomb, Esquire and said defendants and appellants come by their solicitor, R. B. Batton, Esquire, and the said parties by their solicitors aforesaid, here submit this cause to the Court upon the briefs on file herein; and the Court having examined the said briefs, It is ordered by the Court that the said parties be, and they hereby are, permitted to file, during the present term, such further briefs as they may be advised.

Second Day Wednesday January 2. A. D. 1883.

118 Antonio Valdez
vs.
Luciano Archuleta
Error to First Judicial District Court.

On motion of said plaintiff in error by his attorney, R. B. Palmer, Esquire. It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of the Court, and that alias writs issue, directed to the Sheriff of this County, commanding him to summon said defendant in error.

122 The United States of America, Appellee
vs
Charles Lewis alias Charles Porter, Appellant
Criminal from First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning session on next Saturday, the 5th inst.

123 John Ayers, Executor of the last will & testament of William Rosenthal, deceased, Appellee
vs.
John S. Conway, Appellant
Error to First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning session on the 5th inst.

124 Jesus Maria Lucero de Tranquilino, et ux, Appellees
vs.
Paul Irvine, Appellant
Error to First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning session on the coming 3rd Wednesday, the 7th day of January, inst.

130 Gustavus A. Smith
vs.
Feliciano Montoya
Error to Third Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning session on the coming 2nd Thursday, the 8th day of January, inst.

132 Joseph Barbour, Appellee
vs.
Hugh Richard & W. K. Williams, Appellants
Error to First Judicial District Court.

It is ordered by the Court that this cause be, and the

Cause hereby is set for hearing at the morning of Court on next Saturday morning, the Cause being the Eighth day of January, 1883.

Manuel Romero. Appellee
vs.
133 Bonifacio Gonzales. Appellant } Appeal from First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court on next Monday morning.

Solomon Bentlinger. Appellant
vs.
35 Guillermo Trujillo. Appellee } Appeal from First Judicial District Court.

On motion of said plaintiff and appellant by his attorney, M. F. Conway, Esquire, It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of the Court.

Solomon Bentlinger. Appellant
vs.
126 Bernardo Baca. Appellee } Appeal from First Judicial District Court.

On motion of said plaintiff and appellant by his attorney, M. F. Conway, Esquire, It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of the Court.

William H. Newton
vs.
Error to First Judicial District Court.
William H. Newton and S. Platt Stratton
Receivers of the Maxwell Land Grant and Railway Company

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court on next Monday morning.

Isidore Staab and Abraham Staab
vs.
1411 Eusebio Garcia y Ortiz } Error to First Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court on the morning of the second Thursday of the present term, the same being the eleventh day of January, 1883.

Second Day Tuesday January 2 A. D. 1883.

142 William B. Rogers 3d Jordan B. Bowles
vs.
Henry M. Ames
It is ordered by the Court that this cause be
the same hereby is continued until the next term of this

149 The United States of America
vs.
William Wilson, Appellant
Now at this day comes in the District Attorney
M. Barnes, Esquire, and it appearing to the Court from the
statements made therein in open Court by W. F. Thornton, Esquire,
counsel for said Defendant that the said Defendant has
escaped from custody since the hearing of said cause and
has fled to parts unknown, and evading
this said appeal, the
Attorney
the same hereby is, set for hearing at the
Court, unless
proceed herein
been taken
Plaintiff's
Defendant
that they have

150 In the District Court of New Mexico
In Equity
Hilton
vs.
Hilton
The same by the
Hilton
vs. next Tuesday, or

154 In the District Court of the
Rhinehart
vs.
Rhinehart, Defendant
It is ordered by the Court that this cause be

155 In the District Court of the
Rhinehart
vs.
Rhinehart, Defendant
It is ordered by the Court that this cause be

Second Day, Wednesday, January 9th A. D. 1883.

The motion heretofore is, set for hearing at the morning of Court

Bennett Hamilton, Appellant

vs.

Thomas Hamilton, Appellee

Appeal from Second Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court

The motion heretofore is, set for hearing at the morning of Court

Richard Whitten, Appellant

vs.

Richard Whitten, Appellee

Appeal from Second Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court

The motion heretofore is, set for hearing at the morning of Court

Appeal from Second Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court

The motion heretofore is, set for hearing at the morning of Court

Appeal from Second Judicial District Court.

It is ordered by the Court that this cause be, and the same hereby is, set for hearing at the morning of Court

Now on this day come the parties hereto, by their attorneys, and the said defendant

and move by his counsel, C. L. Hinckle and Sol. Shrader

for a continuance of said parties here in open Court. It is ordered by the

Court that this cause be, and the same hereby is, set for hearing at the morning of Court on the

second Wednesday of the present term.

It is ordered that the Court do now adjourn until tomorrow morning

at ten o'clock.

Chief Justice.

Associate Justices.

Thirtieth Day. Wednesday, January 3, A. D. 1883.

Thirtieth Day.

151

Fourth Day. Thursday, January 4, A. D. 1883.

Fourth Day.

Court convenes pursuant to adjournment.

Present, as upon yesterday.

The record of yesterday's proceedings is read and approved.

The Territory of New Mexico, Appellee
vs.
Yee Shun, Appellant
} Appeal from First Judicial District Court.

155

It is ordered by the Court that this cause be, and the same hereby is, continued until the next term of the Court.

Benito Martinez, Appellant
vs.
Eduardo Martinez, Appellee
} Appeal from First Judicial District Court.

156

This cause now coming on to be heard upon the record, and the same and all matters and things therein, is argued by T. B. Catron, and H. L. Waldo, Esquires, on behalf of the said plaintiff and appellant, and by H. L. Hilton, Esquire, on behalf of the said defendant and appellee and submitted to the Court; and the Court, not being sufficiently advised in the premises, takes the cause under advisement.

Jose M. Gonzales, Appellee
vs.
Pedro Gonzales, Appellant
} Appeal from First Judicial District Court.

157

This cause coming on to be heard upon the record, and the same being submitted to the Court, it is ordered that this cause be, and the same hereby is, continued until the next term of the Court.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

S. B. Axtell
Chief Justice.

Wm. Pope Yeaman
Associate Justice.

Fifth Day Friday January 5 A. D. 1883

Fifth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read and approved

Now comes Peter Joseph Schneider alias Pierre Simon alias Brother Botulph, an alien, and makes application to become a citizen of the United States; and it being made to appear to the satisfaction of the Court, that more than two years since, the said Peter Joseph Schneider, otherwise known as Brother Botulph, declared ... before the St. Joseph, Clerk of the District Court, Western District of Missouri for the city of St. Louis in the State of Missouri, his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign potentate, state or sovereignty, and particularly to the Emperor of Germany; and it having been made to appear to the satisfaction of the Court in the manner required by law that Brother Botulph resided within the limits and under the jurisdiction of the United States five years at least, and one year at least immediately preceding his application for citizenship, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and the said Peter Joseph Schneider alias Pierre Simon alias Brother Botulph, declared on oath that it was his bona fide intention to become a citizen of the United States, and that he would support the Constitution of the United States, and that he renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state or sovereignty, and particularly to the William Emperor of Germany.

It is ordered by the Court that the said Peter Joseph Schneider alias Pierre Simon alias Brother Botulph, be and he is hereby admitted to become a citizen of the United States.

John Dyer, Recorder of the Court writes in
Declaration of Intention and Petition and Certificate.

123

John D. Dimmick, Clerk

By Jas. Pennington, Deputy

Met pursuant to adjournment, and the Court, and the Clerk and Sheriff present.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

E. J. Boothell
Dist. Justice.
Stephen Miller
Associate Justice.

Eighth Day.

Court convenes pursuant to adjournment.

Present, the Hon. Thomas McKennan, with the exception of the Honorable James Buchanan, Associate Justice of the Court.

The minutes of yesterday's proceedings is read and approved.

122 The United States of America, Appellees } Appeal from First Judicial District Court.
vs.
Charles Bowie, alias Charles Porter, Appellant }

Now comes the said plaintiffs and appellants by Wm. Adams, Jr. Esq. and move the Court for a continuance of the appearance bond of said defendant and appellant herein; and said motion being resisted by W. T. Thornton, Esquire, counsel for said defendant and appellant, the Court after hearing arguments of counsel, denies the same; It is therefore ordered by the Court that said motion be, and the same hereby is denied.

122 The United States of America, Appellees } Appeal from First Judicial District Court.
vs.
Charles Bowie, alias Charles Porter, Appellant }

This cause now coming on to be heard upon the record, and briefs on file herein, is argued by W. T. Thornton, Esquire, on behalf of the said defendant and appellant, and by Wm. Adams, Jr. Esquire, on behalf of the said plaintiffs and appellees, and is submitted to the Court; and the Court

Sixth Day Saturday February 6th A. D. 1858.

not being sufficient, adjourned in the forenoon, to the same number & Adjournment

It is ordered that the Grand Jury be discharged until Monday morning next at half past ten o'clock

Wm Pitt Kerr
United States
Wayne Bronson

Wayne Circuit.

Seventh Day.

Court met pursuant to adjournment.

Present as before Justice, and the Grand Jury

Bristol Sheriff Notice

The record of Judgments in case

William H. Hunter

139 vs. Error to the Circuit Court

William T. Howe & Elisha S. Platt Defendants in

Recovery at the Trammell Road Grant in

Railway Company

It is ordered by the Court that the cause be dismissed

Manuel Romero Plaintiff

133 vs.

Bartolomeo Gonzalez Defendant } Writ of Error to the Circuit Court

This cause coming on to be heard upon the transcript of the record, and was argued by counsel for the plaintiff in error, and submitted by counsel for the defendant in error, on consideration whereof it is ordered by the Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs

It is ordered that the Grant Grand Jury

Wm Pitt Kerr
Wayne Circuit
Wayne Bronson

Eighth Day.

Court meets pursuant to adjournment.

Present, as upon yesterday; and also A. L. Morrison, United States Marshal for the District of New Mexico.

The record of yesterday's proceedings is read and approved.

Gustavus A. Smith

vs. } Error to the First Judicial District Court.

130 Felipe Gonzales

Come the said parties by their respective counsel, L. G. Bolton Esquire, appearing for said plaintiff in error, and B. M. Shelledeane, Esquire, appearing for said defendant in error, and it is now in open Court agreed by and between the said parties that this cause be submitted to the Court upon the record, the assignment of errors, and the brief of said plaintiff in error now on file herein, the brief of said defendant in error and the argument of counsel thereupon, whereupon, It is ordered by the Court that the same be, and it is hereby given to said defendant in error to file, and to counsel said parties to file arguments or briefs herein at any time during the present week.

Hiram Hughes } Appeal from First Judicial District Court.

150 vs.

Dan. White

This cause coming on to be heard upon the record on file, William M. Shelledeane, Esquire, Attorney General for the Territory of New Mexico, and counsel for said plaintiff and appellant, and by B. M. Shelledeane, Esquire, counsel for said defendant and appellee, and is submitted to the Court; and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered by the Court that Felipe Gonzales, Pedro Gonzales and Pablo Gonzales, be and they are hereby severally fined in the sum of Fifty Dollars each, and that a writ of attachment issue against the property of said parties for the collection of said fines.

It is ordered by the Court that Manuel Benavides, Pedro Gonzales and Benjamin Read be and they are hereby severally fined in the sum of Fifty Dollars each and that a writ of attachment issue against the property of said parties for the collection of said fines.

It is ordered by the Court that A. L. Morrison Jr. and John V. Morrison be and they hereby are appointed Bailiffs to the Court; and they, the said Bailiffs, are duly sworn.

Eighth Day. Tuesday, January 9th A. D. 1883.

It is ordered that the Court be convened again
tomorrow morning at ten o'clock

H. B. Hyatt
Chief Justice.
Stephen Reed
Associate Justice.
Associate Justices.

Ninth Day.

Court meets pursuant to adjournment

Present, as when adjourned.

The record of yesterday's proceedings is read and approved.

122 The United States of America, Appellant from the Second Judicial District Court.
vs
Charles Lewis alias Charles Foster, Appellee.

This cause having been argued by counsel and submitted to, and taken under advisement by this Court on a former day of the present term, the Court being sufficiently advised in the premises, the opinion was delivered by Associate Justice Reed reversing the judgment of the District Court and discharging the defendant, and directing the Court to enter judgment in favor of the plaintiff in accordance with the opinion of the Court. It is therefore considered by the Court that the judgment of the District Court in this cause be reversed and set aside, and that the said defendant, Edward Lewis alias Charles Foster go hence hereof without day, and recover of the said plaintiff his costs in this behalf expended, &c. &c.

154 William B. Orr vs De Bourey B. Lindsley, Appellees
vs
Lambert A. Hopkins, Appellant } Appeal from Second Judicial District Court.

This cause now coming on to be heard upon the record, assignment of errors and briefs on file herein, is argued by W. F. Howard and T. B. Balmain, Esqrs., on behalf of said defendant and appellant; and by W. B. Hobbs, Esq., on be-

half of said plaintiff and appellee, and is submitted to the Court and the Court not hearing further thereon takes the same under advisement.

The Territory of New Mexico, Appellee }
vs. }
151 Herman Romero, Appellant } Appeal from First Judicial District Court.

This cause coming on to be heard upon the record and briefs on file herein, is argued by W. T. Lea Esquire, in behalf of said defendant and appellant, and by W. B. Breeden, Esquire, Attorney General for the Territory of New Mexico, on behalf of said plaintiff and appellee, and is submitted to the Court; and the Court not hearing further thereon, takes the same under advisement.

Now comes W. B. Breeden, Esquire, an attorney of this Court, and moves the Court to admit Solomon Luna, Esquire to practice as an attorney, solicitor and counsellor of this Court; and it appearing to the said Solomon W. Burris having produced satisfactory evidence that he has been duly admitted to practice as such for the last five years has been a practicing attorney in the highest courts of original jurisdiction in the State of Colorado from which he comes, and also presented to the Court with satisfactory evidence of good moral character, which evidence being the certificate of W. B. Childers Esquire, a member of this Court, the Court grants said motion; It is therefore ordered by the Court that the said Solomon W. Burris be, and he hereby is admitted as an attorney, solicitor and counsellor of this Court; and he thereupon takes and subscribes the official oath prescribed by the rule of this Court.

It is ordered that the Court do now adjourn until tomorrow morning at nine o'clock.

Geo. B. Bristol
Chief Justice.

Associate Justices.

Tenth Day Thursday January 14th A. D. 1883

Tenth Day.

Court meets pursuant to adjournment.

Present. as upon yesterday.

The record of yesterday's proceedings is read and approved.

Reuben S. Segrist
vs.
158 William B. Bradtree

Error to Hancock Circuit Court.

Now comes the said defendant in error by his attorney W. D. Lee, Esquire, and says that in the record and proceedings aforesaid in manner and form as the same stand remaining in this Court there is no error, and that the judgment aforesaid in form aforesaid is sufficient in law to be affirmed. Wherefore he prays that the judgment aforesaid be affirmed with costs and damages according to law. And the said plaintiff in error likewise comes and says that in the record and proceedings aforesaid there is manifest error in this, to wit: [illegible] and that the said judgment is insufficient in law to be affirmed. Wherefore he prays that the said judgment be reversed and set aside, and that the cause be remanded to said Circuit Court with directions to proceed herein in conformity with law. And that he may have restitution of the premises aforesaid.

The Territory of Iowa
vs.
161 Kriston Ginberg

This cause coming on to be heard upon the record and transcript of the proceedings, and the assignment of errors and briefs of counsel, and W. D. Lee, Esq. appearing for the plaintiff in error and Geo. Gillaspy, Esq. for the defendant in error, and the said plaintiff in error, and the said defendant, and the Court, not being sufficiently advised in the premises, take the same under advisement.

It is ordered that the Grand Jury be required to appear and be in session this morning at ten o'clock.

J. B. Aston
District Judge.

Eleventh Day.

Court meets pursuant to adjournment.

Present as when yesterday.

The record of yesterday's proceedings is read and approved.

The Justices of the Supreme Court of the Territory of New Mexico, assembled at the seat of Government and said Territory at Santa Fé, on this Eleventh day of January, 1882, do hereby fix and appoint the several times and places of holding the courts in this respective districts, until further action, or following, to wit:

In the First District, at Santa Fé, on the first Monday of February, to continue not exceeding four weeks, and on the second Monday of July, to continue not exceeding four weeks.

In the Second District, at Las Vegas, on the first Monday of May to continue not exceeding four weeks, and on the first Monday of October, to continue not exceeding four weeks.

In the Third District, at Las Cruces, on the fourth Monday of March, to continue not exceeding four weeks, and on the last Monday of August, to continue not exceeding four weeks.

Las Vegas Grand & Improvement Co. }
Plaintiff, } Appeal from First Judicial District Court.
vs. }
Pino Brothers, Defendant }

This cause coming on for hearing upon the record, assignment of errors, and brief filed herein, is argued by Col. Chas. Espinosa, on behalf of said defendant and appellant, and by Gen. H. Gildersleeve and J. H. Knaebel, Esquires, on behalf of said plaintiff and appellees.

It is ordered that the Court do now adjourn until to-morrow morning at nine o'clock.

124

S. B. Axtell
Chief Justice
Geo. H. Reed
Warren Bristol
Associate Justices.

Twelfth Day.

Court meets pursuant to adjournment

Present as when adjourned

The record of yesterday's proceedings is read and approved.

Jesus Maria Luna et al Guardians
Luna. Appellees.
vs.
124 Paul Mohr. Appellant } Appeal from Third Judicial District Court.

This cause coming on to be heard upon the transcript of the record and argued by J. H. Knaebel & A. P. Walker for Appellant and Appellees and submitted to the Court, on motion of said Appellees and by consent of said Appellant, it is ordered that the decree of the Court below be affirmed with costs.

Benito Martinez et al
vs
156 Eduardo Martinez et al } Appeal from Third Judicial District Court.

This cause coming on to be heard upon the transcript of the record and argued by the Counsel for the Appellants and submitted to the Court, the Court now considers its decision in the words following, to wit: The Court having examined the record of the proceedings of the Court below, and no error appearing therein, it is therefore considered by the Court that the decree of the said District Court within and for Lincoln County in this cause be, and the same is hereby affirmed and set aside, and that this cause be, and the same is hereby remanded to said District Court, whence it came. This cause coming on to be heard upon the motion of Appellees to grant leave to said Plaintiffs to amend their complaint herein as prayed for, and thereupon the Court being duly advised in the premises, It is further considered by the Court that the said Plaintiffs have leave to amend their complaint herein as prayed for, and thereupon the said Plaintiffs filed their amended complaint herein, and on motion of said Eduardo Martinez, this cause is ordered stricken from the docket, and that the Appellees recover their costs herein expended, to be taxed, and that the Appellees have execution therefor

The United States of America }
162 vs } Appeal from Third Judicial District
Ernest A. Balfour. Appellant } Court.

Now comes the said Appellant and submits

attorney, S. M. Brannan, Esquire, and from the record here in Court a transcript of the record and proceedings in this cause in this Court below, which transcript the said defendant and appellant [illegible] to the end of the record below to this Court, and the said defendant having filed the said transcript and prosecuted his said appeal in this Court as required by law, and the said defendant although three times solemnly called, [illegible] not appearing, the said plaintiffs and appellees by their said attorney moved the Court to docket this cause and to affirm the judgment and decree rendered in this cause by the Court below; and it is considered by the Court that the judgment and decree rendered by the Court below be affirmed; and it is considered by the Court, and the same body is affirmed, and it is further considered, that the said Ernest L. Cahlan [illegible] in the [illegible] Illinois Penitentiary at Chester [illegible] Illinois, for the term of two calendar years [illegible] the date hereof, and that he pay a fine of two thousand dollars, and it is further considered that the said Ernest L. Cahlan [illegible] in this behalf expended, do recover in the said [illegible] and that execution issue therefor.

[illegible] Court do now adjourn until Mon-

[illegible]

S. B. Taylor
Chief Justice.
Joseph Allen
Associate Justice

Thirteenth Day. Thursday January 15. A. D. 1852.

Thirteenth Day.

Court meets pursuant to adjournment.

Present, as when Saturday, recess'd the Hon. Warren Bristol, Associate Justice.

The record of Saturday's proceedings is read and approved.

Isadore Staab & Abraham Staab

vs. Error to the First Judicial District Court.

141 Eusebio Garcia y Ortiz

Now come the said parties by their respective counsel. T. B. Catron, Esquire, appearing for said Plaintiffs in error, and S. M. Baker, Esquire, appearing for said Defendant in error, and submit this cause to the Court upon the record, assignment of errors and briefs on file herein; and by agreement of said parties, It is ordered by the Court, that the said Plaintiffs in error be, and they hereby are given leave to file additional briefs herein on or before Wednesday next

It is ordered by the Court that the Court do now adjourn until tomorrow morning at ten o'clock.

[illegible]
Chief Justice.
[illegible]
Associate Justice.

Thirteenth Day

Court met pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read and approved.

150 G. H. Miller, Plaintiff in Error, vs. Appeal from First Judicial District Court.
G. H. Wilson, Defendant in Error.

This cause having been argued and submitted to the Court in a former day of this term, the Court, being now sufficiently advised in the premises, do order that the judgment of the said District Court be reversed and that this cause be remanded to the said District Court, with instructions to proceed herein according to law, and that the Plaintiff in error recover against said G. H. Wilson, his costs in this behalf expended to be taxed, and that the Defendant in error

151 Error to First Judicial District Court.

This cause coming on to be heard upon the record, brief of errors and brief filed herein, is argued by W. L. Rhorbaugh for Plaintiff in error, and by S. M. Barnes for Defendant in error, and submitted to the Court, not being sufficiently advised in the premises. The same is ordered to stand

152 Error to Third Judicial District Court.

This cause coming on to be heard upon the record and brief of the Petitioner, and the Respondent having appeared by their counsel, and having submitted

Thirteenth Day [illegible] A. D. 18[illegible]

[illegible] ordered in the premises [illegible] adjourned accordingly

It is ordered that the Court do now adjourn until the morrow morning at eleven o'clock.

S. B. Axtell.
Chief Justice
Geo. Chase
Associate Justice

Fifteenth Day.

Court met pursuant to adjournment

Present as when adjourned

[illegible]

Gustavus A. Smith
vs.
Felicia Conway

130

[illegible]

Gildersleeve, Beq. one, [illegible] filed [illegible] Court [illegible]
till he and he [illegible] [illegible]
[illegible]

Alice Clinton, et heir [illegible]
vs.
Duncan Kennedy, [illegible]

151

[illegible] Court [illegible]
[illegible] Court [illegible]
[illegible] Court [illegible]

[illegible] Day [illegible] A. D. 1883

[illegible]

[illegible]

[illegible]

Dy.

A. D. 18

Seventeenth Day.

Court meets pursuant to adjournment.

Present, as upon yesterday.

The record of yesterday's proceedings is read and approved.

Thomas Keeney, James Hill, Humphrey Hill, and James Arguello, Appellees.
vs.
Jose Albino Bonilla, Juan Lopez, Severo Borgas and Francisco Moes, Appellants.
} Appeal from Third Judicial District Court.

120

This cause having been submitted to the Court, on motion, upon the record, assignment of errors and briefs on file, on former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, affirming the judgment of the Court below; all the members of the Court concurring; It is therefore considered by the Court that the judgment heretofore rendered in this cause by the Third Judicial District Court within and for the County of San Miguel be and the same hereby is affirmed; and the said Appellees recover of the said Appellants, the costs herein expended, to be taxed, and that they have execution therefor.

Reuben Heald and Abraham Staab.
vs.
Jesus Maria Jaramillo
} Error to Third Judicial District Court.

This cause having been argued by counsel, and submitted, and taken under advisement by the Court, on former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, reversing the judgment of the Court below and remanding this cause for a new trial; It is therefore considered by the Court that the judgment heretofore rendered in this cause by the Third Judicial District Court within and for the County of San Miguel, be and the same hereby is reversed and that this cause be and the same hereby is remanded to said District Court with directions to order a new trial herein; and it is further considered by the Court that the said Plaintiff in error,

Seventeenth Day, Tuesday, January 26, A. D. 1858

Starke, receiver of the said defendant in error, [illegible] in this behalf expended, to be taxed, and that they have execution therefor.

130 Gustavus A. Smith
vs.
Feliciano Montoya

} Error to the First Judicial District Court.

Now come the said plaintiff in error, William Pelham Esquire, appearing for said plaintiff in error, and O. M. Wilkinson Esquire, appearing for said defendant in error, and submit this cause to the Court upon the record, assignment of errors and brief on file herein; and the Court not being sufficiently advised in the premises, take the same under advisement.

157 The United States of America, Appellees
vs.
Simon Leyser, Appellant

} Appeal from the Third Judicial District

Now come the said plaintiff, by [illegible], and the said defendant, by W. T. Thornton, Esquire, and the said assignment of error in this Court coming on to be heard, and the Court having heard the argument of counsel, and being fully advised in the premises, do find that there is no error in the record herein, and therefore do further proceed to hear and determine the same; and the Court having considered the cause, do find that the judgment rendered in this cause by the First Judicial District Court of the County of Santa Fe, in favor of the said plaintiff and against the said defendant, be and the same is hereby affirmed, and that in accordance therewith the United States of America, recover of the said William Pelham and Demetrio Chaves, sureties as aforesaid, the sum of one thousand dollars, and also their costs in this behalf expended as well in the court below as in this Court, and that they have execution therefor; and it appearing to the Court from the statement of W. T. Thornton, Esquire, attorney for said defendant and appellant, that an application has been, or is about to be made to the President of the United States for a pardon for said defendant and appellant, it is ordered by the Court that the execution upon the above judgment in this cause be stayed for the period of three months

154 Joel B. Whitney (Trustee) Appellee H. Stumpf
vs.
Robert F. McAfee, Appellant } Appeal from Second Judicial District Court

This cause again coming on to be heard, is further argued by E. A. Parker and St. L. Warren, Esquires, on behalf of the said plaintiff and appellee, and by Francis Downs Esquire, on behalf of the said defendant and Appellant, and submitted to the Court; and the Court, not being sufficiently advised in the premises, takes the same under advisement.

162 The United States of America, Appellee,
vs.
Ernest L. Pailhan, Appellant. } Appeal from Second Judicial District Court.

Now on this day come the said plaintiffs and appellees by their attorney, J. M. Barnes, Esquire, and the said defendant and appellant, although again three times solemnly called, comes not but makes default; and it appearing to the Court that there is on file in this cause a bond, executed by the said defendant as principal, and J. M. Barnes, Charles H. Blackmer, Joaquin Chaves and G. L. Brooks as sureties, conditioned that the said defendant should appear in this Court at the present term, to receive the judgment in the said appeal and abide the decision of this Court, render himself in execution and obey every order and judgment which might be made in the premises, said bond being in the sum of five thousand dollars, and made to the said plaintiffs and appellees, the said J. M. Barnes, Charles H. Blackmer, Joaquin Chaves and G. L. Brooks, sureties as aforesaid, are, each, three times duly called, and commanded to come into Court and bring with them the body of the said defendant and appellee, and they come not, but make default; It is therefore considered by the Court that the said bond be and the same hereby is declared forfeited.

163 Desiderio Romero, Sheriff of the County of Mora, in charge of Levi Spiegelberg, Lehman Spiegelberg and Willi Spiegelberg, Appellees
vs.
Theodore Ingram and John H. Sulfin, Appellants } Appeal from First Judicial District Court.

(By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court upon the record, transcript of same and briefs filed herein, and It is ordered by the Court that the said plaintiff and appellee have and be hereby given [illegible] to file [illegible] briefs herein. [illegible] of February, 1885. to file [illegible]

Twenty fourth Day Tuesday January 26 A. D. 18[illegible]

[illegible]

[illegible]

...day ... A. D. 18...

...

It is ordered by the Court that ...

...

It is ordered by the Court that the Court ...

[illegible] unitwin with [illegible] this court, it is [illegible] be and he is hereby reappointed Clerk of the Supreme [illegible] in place of [illegible], resigned

United States of America.
[illegible]

I, [illegible] having been appointed Clerk of the Supreme [illegible] do solemnly swear that I will support the Constitution of the United States of America against all enemies [illegible] that I will bear true faith and allegiance to the same, [illegible] without any mental reservation, or purpose of evasion, and [illegible] solemnly swear that I will well and faithfully discharge all the duties of my said office, to the best of my ability and understanding, so help me God.

C. M. Phillips.

Sworn to before me this 6th day of July 1883
[illegible]
Clerk Supreme Ct.

Know all men by these presents, That we, Charles M. Phillips, William G. [illegible] of the County of Mesa in the Territory of New Mexico and the United States of America are held and firmly bound unto the United States of America in the sum of Ten Thousand Dollars, lawful money of the said United States to be paid to the said United States, for which payment well and truly to be made we bind ourselves, our heirs, executors and administrators jointly and severally firmly by these presents.

Witness our hands and seals this 26th day of June A. D. 1883.

The condition of the above obligation is such that whereas Charles M. Phillips [illegible] appointed Clerk of the Supreme Court of the Territory of New Mexico as here and to hold the same with all the rights, privileges [illegible] appointments thereto belonging or appertaining as by an appointment bearing date the 6th day of June 1883, May of the said Charles M. Phillips duly, honestly and by his deputies shall faithfully discharge the duties of said office and seasonably record the decrees, judgments and determinations of the said Court and properly account for all moneys coming into his hands as required by law then this obligation to be void, otherwise to remain in full force and effect.

Charles M. Phillips
W. G. Ritch,
Trinidad Baird.

Seal
Seal
Seal.

Territory of New Mexico
County of Santa Fe.

I, William D. Rusk one of the sureties on the foregoing bond being duly sworn depose and say that I am worth the penalty mentioned therein to wit the sum of Five Thousand Dollars exclusive of exempt property and property by the laws of the Territory in such cases provided.

W. D. Rusk.

Subscribed and sworn to before me this 26th day of June 1883.

S. B. Axtell.
Chief Justice Supreme Court New Mexico

Territory of New Mexico
County of Santa Fe

I, Trinidad Romero one of the sureties on the foregoing bond being duly sworn depose and say that I am worth the penalty mentioned therein to wit the sum of Five Thousand Dollars exclusive of exempt property and property by the laws of the Territory in such cases provided.

Subscribed and sworn to before me this [illegible]

The within bond is hereby approved.
S. B. Axtell
Chief Justice Supreme Court New Mexico

At Santa Fé, New Mexico: Monday, July 31st, 1893.

Present:

The Honorable Samuel B. Axtell, Chief Justice of the Supreme Court

C. M. Phillips, Clerk of said Court.

Jos. K. Whitney vs Franklin H. Story, Appellee. } Appeal from Second Judicial District Court, Bernalillo County.

15 Thereupon the case

This cause having been argued and submitted to the Court for consideration and decision by the Court at the last term thereof: the Court being now sufficiently advised of the premises, the Justice thereof files this his judgment of the Court in writing, together with the opinion of the Court by Herman Bibbal, Associate Justice, affirming the judgment of the Court below, Chief Justice Axtell dissenting: It is therefore considered by the Court that the judgment of the Court below be and the same hereby is affirmed: And that in accordance therewith, the said Jos. K. Whitney do Franklin H. Story recover of the said Appellee the possession of the following described premises, situate lying and being in the County of Bernalillo and Territory of New Mexico, to wit: The tract or parcel of land granted by the Mexican Government to Don M. A. Otero to Antonio Sandoval and known as the Embudo Grant and bounded and described as follows, to wit: commencing at a point one league south from the south edge of the southernmost of the Bell Rocks, mountain N 25° East, thence from said place of beginning west through the Bluff Summit 12 miles to a stone chain S. the South west corner of said tract: thence from said stone again west through through the Bluffs south west corner, north through the east edge of the mesa S. the Bluffs two 25 miles to a stone chain S the northwest corner of said tract; thence from said northwest corner east through the Bluffs 12 miles to a point one league north of Bernalillo Spring 76 miles, 30 chains to the north east corner of said tract on the top of the little hills of the Federnal; thence from the said north east corner along the top of the little hills of the Federnal with their range with the following courses and distances, to-wit:

South 10½° East 8 chains; thence South 39½° East 19 chains; thence South 30 degrees East 26 chains; thence South 11° West 28 chains; thence South 25 degrees East 69 chains; thence South 4¼ West 49 chains; thence South 46½° East 19 chains; thence South 23½° East 65 chains; thence South 3¾ East 50 chains, thence South 10° East 12 chains; thence South 47° East 14 chains; thence South 37½° East 57 chains; thence South 20½° East 10 chains; thence South 5½° West 119 chains; thence South 22° East 30 chains; thence South 31½° West 36 chains; thence South 9° East 69 chains; thence South 49¼° East 83 chains, thence South 33½ West 103 chains; thence South 61½° West 44 chains; thence South 39¾° West 69 chains; thence South 61° West 27 chains; thence South 64° West 169 chains; thence South 47° West 26 chains; thence South 16° West 84 chains; thence South 32½ West 297 chains; thence South 43° West 14 chains; thence South 31¼° West 34 chains; thence South 69° West 20 chains; thence South 17° West 80 chains to the South East corner of said tract and thence from the said South East corner West 5 miles 68¾ chains to the said point of beginning being the same property described in the declaration in the Court below and that they have a writ of possession thereon. And it is further considered by the Court that the said Jesse F. Whitney and Franklin K. Storey recover of said Robert McAfee, their costs in this behalf expended as well in the Court below as in this Court taxed at

and that they

law execution therefor: And it is ordered by the Court that the Clerk of this Court do and he hereby is directed to enter this judgment nunc pro tunc as of the regular term January 1882 of this Court at which the cause was argued and submitted.

Bartlett, Chief Justice.
Harris, Brisbin, Associate Justices.

First Day Monday January 6th A. D. 1884

At a regular term of the Supreme Court of the Territory of New Mexico begun and held at Santa Fe, the Seat of Government of said Territory, on the First Monday of January in the year one thousand eight hundred and eighty four.

Present:

The Honorable Samuel B. Axtell, Chief Justice of said Court
The Honorable Joseph Bell, Associate Justice of said Court
The Honorable Henry Bristol, Associate Justice of said Court
W. H. Richard, Esquire, Attorney for the United States
Geo. W. Phillips, Clerk of said Supreme Court.
M. H. Thompson, Deputy United States Marshal
Romulo Martinez, Sheriff of the County of Santa Fe
Wm Breeden, Attorney General of the Territory of New Mexico

It is ordered by the Court that D.M. Read M.H. Thompson S Burkhart and H. Morfe be and they hereby are appointed bailiffs to the Court to wait upon the same while they appear in open Court and are duly sworn as such.

It is ordered by the Court that Santiago Johnson be and he hereby is appointed crier to the Court to wait upon the same while he appears in open Court and is duly sworn as such.

102 Manuel Gonzales, etal. Plffs in Error
vs. } Error to First Judicial District
William Boren etal. Defts in Error

Now on motion of the said plaintiffs in Error by their attorney, T. B. Catron Esquire. It is ordered by the Court that this cause be and the same hereby is, continued until the next term of the Court and that alias citation issue to the sheriff of Rio Arriba County for service on the said defendant in error.

118 Antonio Valdez. Plff in Error
vs. } Error to First Judicial District
Luciano Archuleta

On motion of the said plaintiff in Error by his attorney, T. B Catron Esquire. It is ordered by the Court that this cause be and the same hereby is, continued until the next term of the Court and that alias citation issue to the sheriff of Rio Arriba County for service on the said defendant in error

132 Joseph Perkins, Appellee
vs.
Hugh Pritchard, etal, Appellant
Appeal from First Judicial District.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on the second Monday of the present term.

135 Solomon Leuthner, Appellant
vs.
Guillermo Trujillo.
Appeal from 1st Judicial District.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next Monday morning

136 Solomon Leuthner
vs.
Bonifacio Baca
Appeal from 1st Judicial District.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next Monday morning.

139 William H. Newton
vs
William J. Thornton, etal. Receivers
Error to First Judicial District.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next Thursday morning.

147 William C. Rogers and Jordan B. Cottle. Plffs in Error.
vs.
Henry M. Ames. Defendant in Error
Error to First Judicial District

On motion of the said plaintiffs in Error by their Solicitor, William Esquire, It is ordered by the Court that this cause be and the same hereby is, stricken from the docket with leave to the said plaintiffs to bring commence proceedings de novo in the Court below and It is considered by the Court that the said defendant in Error Henry M. Ames, recover of the said William C. Rogers and Jordan B. Cottle his costs in this behalf expended to be taxed and that he have execution therefor.

135 The Territory of New Mexico
vs
Jesus Sanz, Appellee
Appeal from 1st Judicial District

It is ordered by the Court that this cause be

the same hereby is set down for trial at the incoming of Court on next Friday morning.

Desiderio Romero, Sheriff of the County of San Miguel etc. Appellee
vs
163 Theodore Wagner et al. } Appeal from 1st Judicial District

By agreement of the said parties, this cause is now submitted to the Court upon the records and briefs on file herein and the Court, not being sufficiently advised in the premises, takes the same under advisement.

Levi Spiegelberg et al
vs
164 L. Hersh and Company et al } Appeal from 1st Jud. Dist.

It is ordered by the Court that this cause be and the same hereby is set down for hearing at the incoming of Court on the second Tuesday of the present term.

Thomas Roberts et al.
vs
165 Loreto Trujillo et al } Error to 1st Jud. Dist

No one appearing for the said defendants in error, this case is now submitted to the Court by said plaintiffs in error upon the record, briefs and assignment of error herein.

Denver and Rio Grande Railway Co. Plaintiff in Error
vs.
166 James Harris, Deft in error } Error to 1st Judicial District

It is ordered by the Court that this cause be and the same hereby is, set down for hearing at the incoming of Court on next Wednesday morning.

Simon Leyser, Plaintiff in Error
vs
167 The San Marcial Land and Improvement Company Defendant in Error. } Error to 2nd Judicial District.

This cause being called for trial, and there being no appearance for the plaintiff in Error, the defendant in error has the plaintiff called, and moves the Court to dismiss the writ of error herein and said,

motion being submitted to the Court without argument the Court being sufficiently advised in the premises, grants said motion: It is therefore ordered by the Court that said writ of error be and the same hereby is dismissed and that the said defendant in error recover of the said plaintiff in error its costs in this behalf expended to be taxed, and that he have execution therefor

168

Frank Carpenter et al James E. Johnson, Plffs in Error
vs.
Thomas L. Johnson, Defendant in Error

Error to First Judicial District

This cause being called for trial and there being no appearance for the plaintiffs in error, the defendant in error files the said plaintiffs called and moves the Court to open the record and for an affirmance of the judgment of the Court below. Said motion being submitted to the Court without argument. the Court being sufficiently advised in the premises, grants said motion: It is therefore considered and adjudged by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of San Miguel: whence this cause came into this Court be and the same hereby is affirmed. and that the said Thomas L. Johnson recover of the said Frank Carpenter and James E. Johnson his costs in this behalf expended to be taxed and that he have execution therefor;

169

Nemesio Rubian et al Servis Plffs in Error
vs.
Jose Montes Esquibel Defendant in Error

This cause being called for trial and there being no appearance for the plaintiffs in error, the defendant in error files the said plaintiffs called and moves the Court to open the record and for an affirmance of the judgment of the Court below and said motion being submitted to the Court without argument. the Court being sufficiently advised in the premises, grants the said motion: It is therefore considered and adjudged by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of San Miguel whence this cause came into this Court be and the same hereby is affirmed, and that in accordance with the said Jose Montes Esquibel mandate the said Jose Montes Esquibel recover of the said District of San Miguel County

Plenner Fabian and George H. Stonerod the sum of two hundred and five dollars and eighty four cents with interest thereon from the twenty first day of August 1883 and his costs in the said District Court expended laved at dollars and cents and that he have execution therefor and that he also of said plaintiffs in error recover his costs in this Court in this behalf expended laved at dollars and cents and that he have execution therefor.

1770 The Territory of New Mexico vs. Frank J. Nichols } Appeal from First Judicial District

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming of Court on next Wednesday morning

1771 Refugio Montoya vs Jose Ramon Lucero, Defendant } Error to 1st Judicial District.

It is ordered by the Court that this cause be and the same hereby is set for trial at the incoming of Court on the second Monday morning.

1772 The Board of County Commissioners of Santa Fe County vs. New Mexico & Southern Pacific Railroad Company } Error to First Judicial District.

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming of Court on the second Tuesday of the present term.

1773 The Board of County Commissioners of Santa Fe County vs. New Mexico & Southern Pacific Railroad Company } Error to First Judicial District.

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming of Court on the second Thursday of the present term.

Charles Beaubien et al.
vs.
174 Guadalupe Miranda et al. } Error to First Judicial District.

It is ordered by the Court that this cause be set the same hereby is set down for trial at the incoming of Court on next Saturday morning.

The Territory of New Mexico
vs.
175 John Kinney, Appellant } Appeal from Third Jud. Dist.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next the second Thursday of the present term.

The Baker Mountain Gold Mining Company, Appellant
vs.
176 Henry J. Patterson et al. } Appeal from 3rd Jud. Dist.

Now comes the said plaintiff and appellant by his attorneys Messrs. Elkins Thornton and Clancy and files his appearance herein and the said defendants come by their attorney, D. F. B. Childers, Esquire, and enter their appearance herein and thereupon It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next Friday morning.

James M. Price, Appellant
vs.
177 Amos Green et al. } Appeal from 3rd Jud. Dist.

On motion of the said plaintiff and appellant. It is ordered by the Court that this cause be and the same hereby is continued until the next term of the Court.

Patrocinio Lucero.
vs.
178 The Territory of New Mexico } Error to Second Jud. Dist.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on Wednesday afternoon.

Felipe Chaves, Appellee
vs.
179 Francisco Chaves, Secund. } Appeal from 2nd Jud. Dist.

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming of Court on next Monday morning.

180 Francisco Chaves. vs. Jesus Maria Perea. etal } Appeal from 2d Jud Dist.

It is ordered by the Court that this cause be and the same hereby is, set down for hearing at the incoming of Court on next Friday morning.

181 The Territory of New-Mexico vs. Onesimo Lopez et al. } Appeal from 1st Jud. Dist

On motion of the said defendants and appellants by their attorneys. It is ordered by the Court that they be and they hereby are given until the incoming of Court on next Monday morning to file briefs herein and It is further ordered that this cause be and the same hereby is set down for trial at the incoming of Court on the second Tuesday of the present term.

182 Jesus Maria Perea. Admr. &c vs. Candelaria Montoya de Vallejos. } Appeal from 1st Jud. Dist

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next the second Wednesday of the present term.

183 Jacob Staab et al vs Luis Hersch } Appeal from 2nd Jud. Dist.

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming of Court on next Saturday morning.

184 Charles G. Alford et al vs. Simeon H. Sisneros } Appeal from 1st Jud. dist.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next Monday morning.

185 The Territory of New Mexico, Appellee
vs.
Abel Duran and Aurelio Lora, Appellant } Appeal from 3rd Jud Dis.

It is ordered by the Court that this cause be and the same hereby is set down for trial at the incoming Court on next the second Monday of the present term.

186 John D. Forsyth et al.
vs.
The Las Vegas and Saint Louis Mining and Smelting Company } Appeal from 2nd Jud Dist.

It is ordered by the Court that this cause be and the same hereby is, continued until the next term of the Court unless called up hereafter at the present term.

187 Oliver H. Alexander
vs.
The Tennessee and Los Cerillos Gold and Silver Mining Company } Appeal from 2d Jud Dist.

It is ordered by the Court that this cause be and the same hereby is, set down for trial at the incoming of Court on next the second Thursday of the present term.

Now comes William Breeden, Esquire, an attorney and counsellor of this Court and moves the Court to admit Neill B. Field, Esquire, to practice in this Court and it appearing to the satisfaction of the Court that the said Neill B. Field has been duly admitted to practice as an attorney and counsellor in the District Court of the Second Judicial District of this Territory, It is ordered by the Court that the said Neill B. Field be and he hereby is admitted to practice as an attorney, solicitor and counsellor of this Court and thereupon the said Neill B. Field [redacted] appears in open Court and is duly sworn

Now comes W. T. Thornton, Esquire, an attorney and counsellor of this Court and moves the Court to admit George T. Beall Jr. Esquire to practice in this Court and it appearing to the satisfaction of the Court that the said George T. Beall, Jr has been duly admitted to practice as an attorney and counsellor in the District of the Third Judicial District of this Territory of New Mexico, It is ordered by the Court that the said George T. Beall, Jr. be and he hereby is admitted to practice as an attorney

Solicitor and counsellor of this Court and thereupon the said George S. Beall, Jr. Esquire, appears in open Court and takes the official oath prescribed by the rules of this Court.

Now comes William Breeden, Esquire, an attorney of this Court and moves the Court to admit Lionel A. Sheldon to practice as an attorney, Solicitor and Counsellor of this Court; and the said Lionel A. Sheldon having furnished satisfactory proof that he has been duly admitted to practice in the highest Courts of original jurisdiction in the State of Ohio from which he comes, the Court grants said motion: It is therefore ordered by the Court that the said Lionel A. Sheldon be and he hereby is, admitted to practice as an attorney, Solicitor and counsellor of this Court; and he thereupon takes and subscribes the official oath prescribed by the rule of the Court.

~~Now comes J. B. Catron, Esquire, an attorney of this Court and moves the Court to admit B. Gratz Brown to practice as an attorney, Solicitor and Counsellor of this Court: and the said B. Gratz Brown having furnished satisfactory proof that he has been duly admitted to practice in the highest Court of original jurisdiction in the State of Missouri from which he comes, the Court grants said motion: It is therefore ordered by the Court that the said B. Gratz Brown be and he hereby is admitted to practice as an attorney, Solicitor and Counsellor of this Court: and he thereupon takes and subscribes the official oath prescribed by the rule of the Court.~~

1774 James B. Price et al Appellants } Appeal from 3rd Dist.
vs
Amos Green et al

On motion of J. B. Catron, Esquire, It is ordered by the Court that B. Gratz Brown, Esquire, attorney and counsellor at law and resident of the State of Missouri, be permitted to appear in this Court and represent the said complainants and appellants in this cause as counsel.

168 Frank Carpenter &c. James E. Johnson Plffs in Error
vs. Error to 1st Dist.
Thomas L. Johnson Defendant in Error

This cause being called for trial &c. there being no appearance for the plaintiffs in error, the defendant in error has the plaintiffs in error called &c. moves the Court to dismiss the writ of error herein &c. said motion being submitted to the Court without argument, the Court being sufficiently advised in the premises, grants said motion: It is therefore considered by the Court that said writ of error be &c. the same hereby is dismissed &c. that the said defendant in error recover of the said plaintiffs in error his costs in this behalf expended to be taxed &c. and that they have execution therefor.

Herman Fabian et al.
vs.
169 Error to 1st Dist.
José Santos Esquibel, Defendant in Error

This cause being called for trial &c. there being no appearance for the plaintiffs in error, the defendant in error has the plaintiff in error called &c. moves the Court to dismiss the writ of error herein &c. said motion being submitted to the Court without argument, the Court being sufficiently advised in the premises in the premises, grants said motion: It is therefore considered by the Court that said writ of error be &c. the same hereby is, dismissed &c. that the said defendant in error recover of the said plaintiffs in error his costs in this behalf expended to be taxed &c. that they have execution therefor.

It is ordered that the Court do now adjourn until ~~to-morrow~~ morning at ten o'clock

Second Day Wednesday January 9th A. D. 1884

Second Day

Court meets pursuant to adjournment

Present as upon Monday

The record of Monday's proceedings is read & approved

Chas. Bent et al.
vs
Chancery
Guadalupe Miranda et al

Appl
Cross Bill

On motion of T. F. Catron Esquire. It is ordered by the Court that Judge Benedict Spruance & Messrs. Wells Smith and Warden, Attorneys at Law & Counsellors at Law & residents of the State of Colorado be permitted to appear in the Court & represent the complainants in this cause as Solicitors & Counsel.

Now comes W. L. Rodey Esquire an attorney of this Court and moves the Court to admit Napoleon B. Laughlin to practice in this Court & it appearing to the satisfaction of the Court that the said James H. Stock Esq. is duly admitted to practice as an attorney Solicitor & Counsellor of the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said James H. Stock be & he hereby is admitted to practice as an attorney Solicitor & Counsellor of this Court & thereupon the said James H. Stock Esquire appears in open Court & takes & subscribes the official oath prescribed by the rule of the Court.

Now comes W. L. Rodey Esquire an attorney of this Court and moves the Court to admit Napoleon B. Laughlin to practice in this Court & it appearing to the satisfaction of the Court that the said Napoleon B. Laughlin Esquire has been duly admitted to practice as an attorney Solicitor & Counsellor of the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said Napoleon B. Laughlin be & he hereby is admitted to practice as an attorney Solicitor & Counsellor of this Court & thereupon the said Napoleon B. Laughlin Esquire appears in open Court & takes & subscribes the official oath prescribed by the rule of the Court.

Day A. D. 18

177 James B. Price Appellant
vs.
Amos Green et al
Appeal from 3rd Judicial District

By agreement of the said parties It is ordered by the Court that this continued to the next term hereof and the same hereby is, accordingly

James B Price Appellant
vs
Amos Green et al
Appeal from 3rd Judicial District

177 Now comes the said plaintiff and appellant by his attorney A. Pratz Brown, Esquire and says to the Court here, by leave of the Court, that he will not further prosecute his said appeal but dismisses the same. It is therefore considered by the Court that the said appeal be and the same hereby is, dismissed and that this cause be and the same hereby is remanded to the Third Judicial District Court within and for the County of Grant, whence it came into this Court, with directions to proceed herein the same as though the said appeal had not been taken or allowed. It is further considered by the Court that the said plaintiff and appellant pay all costs accrued herein in this Court, to be taxed and that execution issue therefor.

Charles Bent et al.
vs.
Guadalupe Miranda et al
Error to 1st Judicial District

On motion of Caldwell Yeamans, Esquire, Solicitor for complainants, It is ordered by the Court by said parties that the same hereby that the time for filing briefs be and the same hereby is extended until the eighteenth day of January 1881, and by agreement of the said parties by their respective solicitors, It is ordered by the Court that on said eighteenth day of January, this cause shall be submitted to the Court on the briefs and record on file herein without argument.

135 Solomon Luthmer, Appellant
vs.
Guillermo Trujillo.
Appeal from 1st Jud. Dist.

On motion of the said appellant by his attorney T. F. Conway Esquire, It is ordered by the Court that this cause be and the same hereby is, continued

Day A. D. 18

of the last term of Court.

136 Benjn. Boothman, Appellant
vs.
Danl. Davis
} Appeal from 1st Judicial

On motion of the said appellant by his attorney
It is ordered by the Court that this cause be and the
same hereby is continued until the next term of the
Court

Wm. Lytle and Wm. Goudy Kulman
Complrs
vs
Jesse Curtis, Defendant in Error
} Error to 1st Jud. District

This cause coming on to be heard upon the
record, assignment of errors and brief on file herein is
argued by William Breeden Esquire on behalf of
said plaintiffs in Error & Wm. M. Kinnaird, Esquire
on behalf of said defendant in error, & is submitted
to the Court, and the Court, not being sufficiently
advised in the premises, takes the same under advisement,

171 Benja. Montague Plff in Error
vs
Jesse Dawson Deceased Deft in Error
} Error to 1st Jud. Dist.

This cause coming on to be heard upon the
record, assignment of errors and brief on file herein, is ar-
gued by William Breeden Esquire on behalf of
said plaintiff in Error & by John M. Kinnaird, Esquire on
behalf of said defendant in error & submitted
to the Court. And the Court, not being sufficiently
advised in the premises, takes the same under
advisement.

168 Hawk. Carpenter & James E. Johnson
vs.
Thomas L. Johnson, Deft in Error
} Error to 1st Jud Dist.

Now comes the said plaintiffs in Error, by their
Attorney James T. Mack Esquire and move the Court
to reinstate this cause upon the docket & said
motion being argued for said plaintiffs in error by
their said attorney & submitted to the Court, the
Court being sufficiently advised in the premises,

Day A. D. 18

denied the same: It is therefore ordered by the Court that this motion be and the same hereby is denied;

Warner Fabian et al.

166 vs. } Error to 1st Jud Dist.
Jesse Eustis Esquire et al

Now came the said plaintiffs in Error and move the Court to advance this cause upon the docket and said motion being argued by said plaintiffs in Error by their attorney James H. Steck, Esquire, and submitted to the Court, the Court being sufficiently advised in the premises, doth overrule said motion; It is therefore considered by the Court that said motion be and the same hereby is denied.

John Marcus Lund et al Inquisitio Fieri
vs. } Appeal from 1st Jud. Dist.
Oliver Nichols Appellant

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term of the Court, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bristoll, reversing the judgment of the Court below and remanding this cause for a new trial: It is therefore considered by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of Jackson, be and the same hereby is reversed and set aside and that this cause be and the same hereby is remanded to said District Court with direction to order a new trial herein; and it is further considered by the Court that the said defendant in appellant recover of the said plaintiffs in appellees, their costs in this behalf expended to be taxed and that they have execution therefor.

157 Enoch Kent et al. } Error to 3rd Dist.
vs.
William Mead et al

This cause having been submitted to the Court upon the record, assignment of error and briefs on file herein at a former term of the Court, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Oxtell; Associate Justice Bristoll dissenting, reversing the judgment of the Court below

Day [redacted] A. D. 18

submitted to and taken under advisement by the Court at a former term of the Court, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Axtell, affirming the judgment of the Court below; all the members of the Court concurring; It is therefore considered by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of Bexar be and hereby is affirmed and that the said plaintiff and appellee recover of the said defendant and appellant his costs in this behalf expended to be taxed and that he have execution therefor.

Thomas Roberts, John Allen and Rufus D. Whitesides, Plffs in Error

vs

165 Enoch Trujillo and Jesus Luciano Martinez, Deft in Error } Error to First Judicial District

This cause having been submitted to the Court on the record and briefs on file herein at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision, Justice Bell, reversing the judgment of the Court below and dismissing the complaint filed in this cause, all the members of the Court concurring. It is therefore considered by the Court that the judgment heretofore rendered in this cause in the First Judicial District Court within and for the County of Bexar be reversed, and this cause came into this Court, be and the same hereby is reversed and set aside and the complaint dismissed and that the said plaintiffs in error recover of the defendants in error their costs in this behalf expended to be taxed and that they have execution therefor.

It is ordered by the Court that John T. Morrison and Robert Morrison be and they hereby are appointed plaintiffs in place of Burkhart and Sharp, hereto fore appointed and thereupon the said John T. Morrison and Robert Morrison appear in open Court and are duly sworn as such.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Third Day

Court meets pursuant to adjournment

Present as upon yesterday

The Record of yesterdays proceedings is read & approved

William H. Newton, Plff in Error
vs. } Error to 1st Jud. Dist.
William T. Thornton et al. Defts

By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court upon the record & briefs on file herein & the Court not being sufficiently advised in the premises, takes the same under advisement.

130

The Territory of New Mexico
vs. } Appeal from 1st Jud. Dist.
Frank P. Nichols, Appellant

This cause coming on to be heard upon the record, assignment of error and briefs on file herein & is argued by D. L. Lee, Esquire for said defendant & appellant & William Breeden, Esquire, District Attorney for said Territory & appellee, & is submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

140

1710 Refugio Montoya, Plff in Error
vs.
Jose Ramon Lucero, Deft
Appeal from 1st Jud. Dist.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, reversing the judgment of the Court below and remanding said cause for disposition according to law; all the members of the Court concurring; It is therefore considered and adjudged by the Court that the judgment heretofore rendered in this cause in the First Judicial District Court within and for the County of Rio Arriba from which it came into this Court; be and the same hereby is, reversed and set aside and this cause be and the same hereby is remanded to said Court with directions to proceed herein according to law and the practice of this Court and that the said Refugio Montoya, Plaintiff in Error, recover of the said Jose Ramon Lucero Defendant in Error, his costs in this behalf expended to be taxed;

1711 Salvador Lucero, Plff in Error
vs.
The Territory of New Mexico
Error to Second Jud. Dist.

This cause coming on to be heard upon the record, assignment of error and briefs on file herein, is argued by A. L. Warren Esquire for and on behalf of the said plaintiff in error and William Breeden Esquire for and on behalf of the said defendant in Error. And is submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fourth Day Friday January 11 A. D. 1878

Fourth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

155 The Territory of New Mexico :
vs. : Appeal from 1st Jud. Dist.
Yeo Spun, Appellant :

This cause coming on to be heard upon the record and briefs on file herein, is argued by T. C. Green, Esquire, on behalf of the said defendant & appellant and William Breeden, Attorney General of New Mexico, on behalf of said plaintiff & appellee: and is submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

176 The Baxter Gold Mining :
Company, Appellant. : Appeal from Third
vs : Judicial District
Henry J. Patterson et al :

This cause coming on to be heard upon the record, assignment of error and briefs on file herein, is argued by George T. Bartlett Jr. and W. T. Thornton Esquire on behalf of the said plaintiff & appellant and by W. L. Rodey Esq. on behalf of the said defendants & respondents and is submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

186 J. Francisco Chaves, Appellant :
vs :
Jesus Maria Perea, Admr. &c. : Appeal from 3rd
: Jud. Dist.

This cause coming on to be heard upon the record, assignment of error and briefs on file herein, is argued by O. A. Riske on behalf of said appellant and plaintiff.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Day A. D. 18

Fifth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

St. Francisco Chaves, appellant
vs
Jesus Maria Sere, Admr
} Appeal from 2nd Jud. Dist.

This cause again coming on to be heard upon the record, assignment of error and briefs on file herein, is argued by F. S. Chaves Esquire, on behalf of the said defendant & appellee, & was submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement,

It is ordered that the Court do now adjourn until Monday morning at ten o'clock

_____ Day _____ A. D. 18____

Sixth Day

Court meets pursuant to adjournment.

Present as upon Saturday

The record of Saturday's proceedings is read & approved

179 Felipe Chaves, Appellee
vs.
Francisco Chaves, Second. } Appeal from 2nd Jud. Dist.

This cause coming on to be heard upon the record, assignment of errors on file herein, is argued by E. C. Fuller, Esquire, on behalf of said defendant and appellant.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Seventh Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

179 Felipe Chaves, Appellee
vs.
Francisco Chaves, Second } Appeal from 2nd Jud. Dist.

This cause again coming on to be heard upon the record, assignment of errors on file herein, is argued by H. B. Childers Esquire, on behalf of said plaintiff and appellee.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Eighth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

Felipe Chaves, Appellee
vs.
1749 Francisco Chaves, Second
Appeal from 2nd Jud. Dist.

This cause again coming on to be heard upon the record, assignment of errors & briefs on file herein, is argued by D. K. Burnes, Esquire on behalf of said defendant & appellant & submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

The Territory of New Mexico
vs.
151 Cresencio Lopez & Manuel Casias
Appeal from 1st Jud. Dist.

This cause coming on to be heard upon the record assignment of errors & briefs on file herein, is argued by H. H. Clancy, Esquire, on behalf of said defendants & appellants.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Ninth Day January 1st A. D. 1850

Ninth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

181 The Territory of New Mexico
vs.
Ceranio Lopez et al Manuel Chaves } Appeal from 1st Jud. Dist

Now this cause coming on to be heard upon the record, the assignment of errors on the briefs on file herein, is argued by William Breeden Attorney General for the Territory of New Mexico, on behalf of said plaintiff and appellee and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

175 The Territory of New Mexico
vs.
John Kinney, Appellant } Appeal from 3rd Jud. Dist

This cause coming on to be heard upon the record, the assignment of errors and the briefs on file herein, is argued by William S. Thornton, Esquire on behalf of said defendant and appellant.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Tenth Day Friday January 18th A. D. 1851

Tenth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

The Territory of New Mexico
vs
John Kinney Appellant
} Appeal from Third District

115 This cause again coming on to be heard upon the record, assignment of Error and briefs on file herein, is again argued by William T. Thornton Esquire on behalf of said defendant and appellant and by William Breeden Esquire Attorney General for the Territory of New Mexico, on behalf of said plaintiff and appellee and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Eleventh Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

James Marie Perea et al Admrs
vs
Ceruchusia Montoya et Vallejos Appellee
} Appeal from First District.

182 This cause coming on to be heard upon the record assignment of error and briefs on file herein, is argued by H. T. Thornton Esquire on behalf of said complainants and appellants and by Henry L. Waldo Esquire on behalf of said defendant and appellee and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

Day A. D. 18

1914

Charles S. Clifford etal. }
vs } Appeal from 1st Judicial District
Simeon N. Lucas et al Defendant }

Now come said plaintiffs and appellees by their attorney Francis Lewis Esquire and move the Court to strike this case from the docket and dismiss the appeal herein for reasons set forth in their motion and accompanying affidavit on file: And said motion being submitted to the Court without argument, the Court being sufficiently advised in the premises, grants the same: It is therefore considered by the Court that this cause be and the same hereby is stricken from the docket and the appeal dismissed at the cost of the said plaintiffs and appellees and of the said defendant and appellant their sureties in the bond approved by the Court in this behalf expended to be taxed and that they have execution therefor.

Philicia Cruz et al }
vs } Appeal from 2nd Jud. Dist.
Jerbert L. Nash. }

The said plaintiffs appellees by their attorney H. J. Bethancourt Esquire having heretofore filed in this cause a remittitur in accordance with the opinion of the Court on file herein, now come by their said attorney and move the Court to affirm the judgment of the Court below for Three hundred and fourteen dollars and sixty five cents, with interest thereon at the rate of six per cent per annum from the first day of October A.D. 1891. and that execution issue therefor against the said defendant Herbert L. Nash. And the sureties on his appeal bond, and said motion being argued by counsel, on motion for said defendant & appellant, and for said plaintiffs & appellees, it is submitted to the Court and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It appearing to the satisfaction of the Court that in preparing the record for review in this Court of a trial had in the 2nd Judicial District Court in the case of Felipe Chavez vs Francisco Chavez, second, important and material additions were made to the official record of said trial and that said additions were made without the knowledge or consent of the Judge who presided at said trial; And it further

in this court, and that plaintiffs excepted to said action of the Court in allowing said additions to be made, and that the same be made a part of defendant's exception herein.

appearing that said additions were made by H. L. Warren Esq. an attorney of this Court, It is ordered that said H. L. Warren Esq show cause in open Court on Monday, Jany 21st at 10 o'clock of same day why he should not be proceeded against for improper conduct as an attorney in so adding to said record.

180 J. Francisco Chaves, Appellant } Appeal from 2nd Jud. Dist.
vs.
Jesus Maria Perea, Admr } Appeal from 2nd Jud. Dist.

This cause having been argued by counsel & submitted to & taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Reed, affirming the judgment of the Court below for reasons set forth in the opinion of the Court on file, all the members of the Court concurring; It is therefore considered by the Court that the judgment heretofore rendered in this cause in the Second Judicial District Court within & for the County of Bernalillo be & the same hereby is affirmed & that the said defendant & appellee recover of the said plaintiff & appellant his costs in this behalf expended to be taxed & that he have execution therefor,

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Twelfth Day Monday January 21 A. D. 1884

Twelfth Day

Court meets pursuant to adjournment

Present as upon Saturday

The record of Saturdays proceeding is re

132 Joseph Gerhauser Appellee
vs. } Appeal from 1st Jud. Dist.
Hugh Lucier et al

Agreement of the said parties by their respective attorneys that cause be submitted to the Court on the record, the assignment of error & the brief on file herein & the Court not being sufficiently advised in the premises, take the same under advisement

185 The Territory of New Mexico
vs. } Appeal from 3rd Jud. Dist
Abel Lucero et al

The cause coming to be heard upon the record & the briefs on file herein, & argued by William Breeden, Esquire, Attorney General, on behalf of said Plaintiff's Appellee, no one appearing for said Defendants & submitted to the Court & the Court not being sufficiently advised in the premises, taken the same under advisement.

186 John L. Smyth et al Appellants
vs. } Appeal from 2nd Jud. Dist.
The Las Vegas Hot Springs Mining & Smelting Company Appellee

On motion of the said defendant by its attorney and by the written consent of the said complainants by their solicitors on file, it is ordered adjudged & decreed by the Court that the judgment of the Second Judicial District Court within & for the County of Socorro therein this cause come into this Court, & missing the bill herein, be & the same hereby is affirmed. And that the said defendant and appellee recover of the said complainants & Appellants their costs in this behalf expended to be taxed & that execution therefor

11 Day A. D. 18

188 The United States of America
vs.
Carpio Monte
Appeal from 3rd Dist.

This cause coming on to be heard upon the record on file and the arguments of counsel, is argued on the record by J. H. Pritchard, Attorney for the United States, no one appearing for said defendant and appellant and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

Oliver H. Alexander, Appellant
vs.
The Tennessee and Los Cerillos Gold and Silver Mining Company
Appeal from 1st Dist.

This cause coming on to heard upon the record Assignment of error and briefs on file herein, is argued by H. S. Warren, Esquire, on behalf of said plaintiff and appellant.

Henry L. Warren an attorney of this Court having appeared in pursuance of an order made on January 19, 1884, to show cause why he should not be proceed against for improper conduct as an attorney in respect of an alleged addition to the official record of the proceedings upon the trial in the 2nd Judicial District Court of the case of Felipe Chaves vs. Francisco Chaves 2nd having on this day in open Court shown cause in respect thereto, and the Court having heard the evidence and statements made and adduced and being now fully advised in the premises, doth find that the addition mentioned in said order to be written by said Attorney H. L. Warren, upon the official stenographer's note of said trial in the course of preparation by said Warren of appellants bill of exceptions in said cause, and by attorney of appellant for the purpose of submitting the same to the attorney of appellee, and the Judge of said District Court for examination and allowance that at appearing that said Warren was not present at the trial and did not of his own knowledge know what occurred and was induced to make said addition by the representations of others, It is therefore considered by the Court that said Warren be exonerated from any blame in said matter and said words so added be stricken from the said record

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock;

Thirteenth Day January 22d A. D. 1884

Thirteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

1871 Alex H. Alexander, Appellant
vs.
The Los Cerillos & Tennessee Gold & Silver Mining Company
Appeal from 1st Jud. Dist.

Now again this cause coming on to be heard upon the record, assignment of errors & briefs on file herein is argued on behalf of defendant & appellee & by W. L. Warren, Esquire on behalf of plaintiff & appellant & submitted to the Court & the Court, not being sufficiently advised in the premises, takes the same under advisement.

Whereas George H. Pritchard, United States Attorney for the Territory of New Mexico has rendered to the Court an account of his fees at the present term of this Court, & has proved, on oath to the satisfaction of the Court that the services therein charged have been actually & necessarily performed as therein stated; & whereas said charges appear to be just & according to law. It is ordered by the Court that said account, amounting to two hundred & three dollars & sixty cents, be & the same hereby is, approved.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fourteenth Day Wednesday January 23 A. D. 1884

Fourteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

The Board of County Commissioners of
Santa Fe County, Plff in Error.
vs.
1712 New Mexico and Southern Pacific Railroad Company } Error to 1st Jud. Dist.

This Cause coming on to be heard upon the record assignment of errors and briefs on file herein, is argued by Messrs Hildersleeve and Knaebel on behalf of said plaintiff in Error and by Henry L. Waldo Esquire, on behalf of said defendant in error and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

The Board of County Commissioners of Santa Fe
County Plaintiff in Error
vs.
New Mexico & Southern Pacific Railroad Company } Error to 1st Jud. Dist.

This cause coming on to be heard upon the record, assignment of errors and brief on file herein, is argued by Messrs. Hildersleeve and Knaebel on behalf of said plaintiff in Error and by Henry L. Waldo, Esquire, on behalf of said defendant in error and submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement

The Territory of New Mexico
135 vs. } Appeal from 1st Jud. Dist.
Yee Shun

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term; the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, affirming the judgment of the Court below, for reasons set forth in the opinion of the Court on file, all the members of the Court concurring: It is therefore considered by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of San Miguel be and the same hereby is affirmed and that in accordance therewith, the said Yee Shun be confined in the State Penitentiary of the State of Kansas there-

ated at Lecompton in the State of Kansas for the term of his natural life.

1710 The Territory of New Mexico
vs. } Appeal from 1st Dist
Frank P. Nichols. Appellant } by consent

This cause having been argued & submitted to, & taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announce its decision by Associate Justice Bell, for reasons set forth in the opinion of the Court on file, all the members of the Court concurring, reversing the judgment of the Court below and remanding with costs for a new trial. It is therefore considered by the Court that the judgment heretofore rendered in this cause by the First Judicial District Court within and for the County of Colfax, be and the same hereby is reversed and set aside and that this cause be and the same hereby is remanded to said District Court with directions to order a new trial herein; and it is further considered by the Court that said appellant recover of said appellee his costs in this behalf expended.

1711 Levi Spiegelberg et al
vs. } Appeal from 1st Jud. Dist
L. Hersch, et al

It is ordered that the time for filing bills of exceptions herein be and is hereby enlarged and extended to and to include this date.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fifteenth Day, Thursday January 24 A. D. 1884

Fifteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

1614 Levi Spiegelberg et al. vs. L. Hensch & Co. et al. } Appeal from 1st Jud Dist. Court.

By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court on the record, assignment of errors and briefs on file herein, the Court not being sufficiently advised in the premises, takes the same under advisement.

1174 Charles Kent et al. vs. Chas Lafferpel Commandant et al. } Error Appeal from 1st Jud Dist.

By agreement of the said parties by their respective attorneys, this cause is now submitted to the Court on the record, assignment of errors and brief on file herein, the Court not being sufficiently advised in the premises, takes the same under advisement.

183 Jacob Stark et al vs. Chas Hensch Appellant } Appeal from 1st Jud Dist.

This cause coming on to be heard upon the record and briefs on file herein, is argued by John H. Knuebel Esquire on behalf of said defendant and appellant and by T. B. Catron Esquire on behalf of said appellee, and submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

Now comes Charles Whittemore, Esquire, an attorney of this Court & moves the Court to admit George Cuyler Preston to practice in this Court and it appearing to the Court to the satisfaction of the Court that the said George Cuyler Preston has been duly admitted to practice as an attorney solicitor and counseller of the District Court of the First Judicial District of this Territory. It is ordered by the Court that the said George Cuyler Preston be and he hereby is admitted to practice as an attorney solicitor and counsellor of this Court & thereupon the said George Cuyler Preston Esquire appears in open Court and subscribes the official oath, prescribed by the rule of the Court.

Day A. D. 18

Now comes John N. Knaebel, Esquire, an attorney of this Court and moves the Court to admit to practice John P. Victory in this Court and it appearing to the satisfaction of the Court that the said John P. Victory has been duly admitted to practice as an attorney, Solicitor and counseller of the District Court of the First Judicial District of this Territory, It is ordered by the Court that the said John P. Victory be and he hereby is admitted to practice as an attorney, Solicitor and counsellor of this Court and thereupon the said John P. Victory Esquire appears in open Court and subscribes the official oath prescribed by the rule of this Court.

Sixteenth Day

Court meets pursuant to adjournment

Present as upon last Thursday

The record of Thursdays proceedings is read & approved.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Seventeenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

166 The Texas & Rio Grande Railway Company, Plaintiff in Error vs James Harris, Defendant in Error. Error to First Jud. Dist.

This cause having been argued by counsel & submitted to, & taken under advisement by the Court on a former day of the present term, the Court being sufficiently advised in the premises. Associate Justice Bris tol, all the members of the Court concurring, af- (for reasons set forth in his opinion on file) firming the judgment of the Court below, is therefore considered by the Court that the judgment (and adjudged) therefore entered in this cause in the First Judicial District Court at its regular February Term, 1883, (from which this cause was taken into this Court by writ of Error) be & the same hereby is, affirmed; & that in accordance therewith the said defendant in error James Harris

Seventh Day Wednesday January 30. A. D. 188[illegible]

recover of the said plaintiff in error, The Denver and Rio Grande Railway Company, the sum of nine thousand dollars, with interest thereon from the third day of March, 1883, at the rate of six per centum per annum and his costs in said District Court expended taxed at twenty seven dollars and fifty five cents, and that he have execution therefor, and that said plaintiff in error his costs in this Court expended taxed at [illegible] dollars and that he also have execution therefor; and it appearing to the Court that E. C. Ledyard and Lyman K. Bass are sureties upon the appeal bond of said plaintiff in error filed herein to obtain a stay of execution of said judgment of said District Court, It is considered, adjudged and decreed by the Court that said James Herrin, receiver of said sureties, E. C. Ledyard and Lyman K. Bass, the sum of nine thousand dollars, with interest thereon from said third day of March, 1883, at the rate of six per cent per annum, and also his costs in this behalf expended as well in the Court below as in this Court and that he have execution thereof against said sureties.

172

The Board of County Commissioners of Santa Fe County, Plff in Error
vs.
The New Mexico & Southern Pacific Railroad Company, Deft in Error

Error to First Judicial District Court Santa Fe County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Bristol affirming the judgment of the Court below, all the members of the Court concurring: It is therefore considered by the Court that the judgment heretofore entered herein by the of the First Judicial District Court at its regular February Term, 1883, held in and for the County of Santa Fe, be and the same hereby is affirmed and that the said defendant in error recover of the said plaintiff in error its costs in this behalf expended, as well in the Court below, as in this Court, to be taxed, and that it have execution therefor.

Day ..... A. D. 18.....

173 The Board of County Commissioners of Santa Fe County, Plaintiffs in Error
vs.
New Mexico & Southern Pacific Railroad Company, Defendant in Error. } Error to First Judicial District.

This cause having been argued by counsel & submitted to & taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bristol, affirming the judgment of the Court below, all the members of the Court concurring: It is therefore considered by the Court that the judgment heretofore entered in this cause by the First Judicial District Court at its regular February Term, 1883 held in & for the County of Santa Fe be & the same hereby is, affirmed & that the said defendant in error recover of the said plaintiff in error its costs in this behalf expended, as well in the Court below as in this Court to be taxed & that it have execution therefor.

174 The Territory of New Mexico
vs.
John Kinney, Appellee. } Appeal from Third District,

This cause having been argued and submitted to & taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, affirming the judgment of the Court below, all the members of the Court concurring: It is therefore considered by the Court that the judgment of the Third Judicial District Court heretofore entered in this cause at its regular term 188 of said Court in & for the County of Santa Fe, whence this cause came to this Court be & the same hereby is affirmed & that the said plaintiff, The Territory of New Mexico recover of the said defendant, John Kinney, his costs in this behalf expended & to be taxed in the Court below as in this Court & that it have execution therefor.

175 The Territory of New Mexico
vs.
Crescencio Lopez & Manuel Cano } Appeal from 1st District,

This cause having been argued & submitted to

Eighteenth Day Monday February 18th A. D. 1884

Eighteenth Day

Court meets pursuant to adjournment

Present as upon: Wednesday, January 30, 1883

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Ninteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved

William C. Carr & Edward S. Lindsley
vs.
Lambert H. Hoyt } Appeal from 2nd Jud District

154

The said plaintiffs having filed their remittitur in this cause in accordance with the opinion heretofore rendered herein & the motion of said plaintiffs to affirm the judgment of the Court below for thirteen hundred & fourteen dollars & sixty five cents with interest thereon at the rate of six per cent per annum from the first day of October A.D. 1881, & that execution issue therefor against defendant & his securities, having been argued by counsel & submitted to & taken under advisement by this Court, on a former day of the present term. & the Court being now sufficiently advised in the premises, announces its decision by granting said motion & affirming the judgment of the District Court of Bastrop, & it is therefore ordered & adjudged that said judgment & the appeal bond & the sureties thereon against defendant

Court & the
Court & thereupon issue a writ of scire facias to warn all
the members of the Court respectively & to shew
cause at the Court, the said Plaintiff having
filed their declaration as aforesaid, that the proceedings
of the said Court be annulled & vacated for the County
of Bermudas at the regular
Term, 1852, from which Court this cause came into
this Court by writ of error & assigned
against defendant in said declaration & that he
accordance. Whereupon the said Obediah C. Conyers
& County & Samuel Jones & of this said district
and appellant Lambert H. Hopkins & the Judges of the
the Court for aforesaid, & H. Trott & Esquires &
H. T. Secretary & his said & Justices having
their declaration & filed & their writ of error
of Chester & in due & form & law & the record
Court, & in due & form & law & from the said Court
Court, & in due & form & law & & & & &
Court, & in due & form & law & & & & &
Court, & in due & form & law & & & & &

..... Day ..... A. D. 18.....

and the same hereby is affirmed and that in accordance therewith the said plaintiff appellee, Desiderio Romero, Sheriff of San Miguel County for the use of Levi Spiegelberg Lehman Spiegelberg and Willi Spiegelberg partners of the said defendants, appellants Theodore Reagan and John Pettitt the sum of five hundred and sixty four dollars and fifty nine cents with interest thereon from the twenty second day of March A.D. 1855, at the rate of six per cent per annum and his costs in said District Court expended taxed at fifty one and 65/100 dollars and that he have execution therefor and that he also recover of said defendants appellants his costs in this Court expended and taxed at sixteen and 50/100 dollars and that he also have execution therefor; and it appearing to the Court that J.K. Keegler, J.P. Stonecipher and Lorenzo Lopez are sureties upon the bond of said defendants appellants filed herein to obtain a stay of execution of said judgment of said District Court, It is further considered and adjudged by the Court that the said Desiderio Romero Sheriff of San Miguel County, for the use of Levi Spiegelberg Lehman Spiegelberg and Willi Spiegelberg have of the said J.K. Keegler, J.P. Stonecipher and Lorenzo Lopez as aforesaid the sum of five hundred and sixty four dollars and fifty nine cents with interest thereon from March 22, 1855, at the rate of six per cent per annum and also his costs in this behalf as well in the Court below as in this Court taxed as aforesaid and that he have execution therefor against them.

The Territory of New Mexico
vs. } Appeal from
185 Abel Lucero and Charles Lee appellants } Third District,

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, reversing the judgment of the Court below and remanding this cause for a new trial, (Associate Justice Bristol dissenting.) It is therefore considered by the Court that the judgment heretofore entered in this cause by the Third Judicial

Day A. D. 18

District Court within and for the County of Grant, be and the same hereby is reversed and set aside, and that this cause be and the same hereby is remanded to said District Court with directions to order a new trial therein.

155 The United States }
vs } Appeal from third District
Carpio Magill }

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announced a decision by Associate Justice Bell, affirming the judgment of the Court below for reasons set forth in an opinion on file, all the members of the Court concurring: It is therefore considered by the Court that the judgment rendered in this cause in the United States District Court be and the same hereby is affirmed and shall ~~not be executed at such time as shall be fixed by the Supreme Court of the Territory of New Mexico on the return of the execution. And it is ordered that the Clerk of this Court do hereby forthwith transmit to the said Supreme Court the record in this cause and the same hereby is remanded back to said District Court with directions to carry the sentence into execution.~~

It is ordered by the Court that the following Rule of the same hereby is adopted as an additional Rule of this Court, to wit:

Rule XXIV

1. Whenever it shall be intended to review by appeal or writ of error a judgment of the District Court, a record of the pleadings and proceedings in the case, containing a proposed bill of exceptions, if the appellant desires to present exceptions not appearing on the record, shall be prepared by the appellant and a copy thereof served on the opposite party or his attorney within ten days after entry of judgment unless the time is extended by the Court; and the party served may within ten days after such service, propose amendments to the proposed

Day ..... A. D. 18.....

record and exceptions and serve a copy of such amendments on the appellant, who may then within five days thereafter, serve the appellee with a notice that the proposed record and exceptions with the proposed amendments, will be submitted at a time and place to be specified in the notice to the District Judge before whom judgment was obtained for settlement. The said Judge shall thereupon correct and settle the proposed exceptions and determine what portions of the record of proceedings in the case shall be transmitted to the Supreme Court. The time for such settlement to be specified in said notice shall not be less than ten nor more than twenty days after service of such notice.

2. If the appellant shall omit to make a proposed record with exceptions, if exceptions are to be presented within the time limited by law or as extended by the Court, he shall be deemed to have waived his right thereto: and when a proposed record is made and the parties shall omit within the several times above prescribed, the one party to propose amendments and the other to notify an appearance before the District Judge for settlement, they shall respectively be deemed the proper to have agreed to the record and exceptions as proposed and the latter to have agreed to the amendments thereto as proposed.

3. Bills of exceptions shall only contain so much of the evidence as may be necessary to present the questions of law upon which the same were taken on the trial: the record shall contain the pleadings and the case so much of the proceedings as may be material; and it shall be the duty of the District Judge upon settlement, to strike out all the evidence and other matters which shall not have been necessarily inserted.

4. The lines of the proposed record and exceptions and of the proposed amendments, shall be so numbered on each page that each copy shall correspond.

5. Whenever amendments are proposed to the record and exceptions may be settled by the parties by consent signified by their respective attorneys in writing, and so may be presented to the District Judge for signature without notice of settlement, subject to amendment by the said Judge in his discretion in accordance with the facts of the case.

6. When an appellant has made up a record containing exceptions or not, as the case may be, he shall file the same in the proper District Clerk's Office within ten days after the same shall have been settled and

5 Whenever the appellant shall make, or the appellee shall obtain an order for the settlement of exceptions, he shall forthwith give notice thereof to the adverse party.

signed by the District Judge, or it shall be deemed abandoned, unless the time is extended by the Court, and thereupon, upon payment of his fees therefor the District Clerk shall make a copy of the pleadings and such other portions of the record as may have been named by the District Judge to be material to the exceptions as settled and signed and filed, certified under his hand and seal and transmit the same to the Supreme Court.

8. Service of papers provided for in these rules shall be made upon the respective attorneys of record in the case or upon the parties in person when can be performed by any person of lawful age. Proof of service shall be by affidavit of the person making the same or by the written admission of the person served. Failure to comply with any of the provisions of these rules shall be brought to the notice of the District Judge by the affidavit of the party or his attorney claiming to take advantage thereof.

It is ordered that the Court now adjourn until the twenty third day of February 1884

Twentieth Day

Court meets pursuant to adjournment

Present as upon Tuesday

The record of Tuesday's proceedings is read and approved.

It is ordered that the Court do now adjourn until Wednesday, February 27, 1884

Wednesday February 27, 84. 21st day A. D. 18

Twenty-First Day.

Court meets pursuant to adjournment.

Present as upon Saturday, February 23.

The record of Saturday's proceedings is read & approved.

183 Isaac Staab & Abraham Staab } vs. Appellees } Appeal from Santa Fe
Luis Hersch. Appellant } County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bristol, reversing the judgment of the Court below and remanding this cause with direction to give leave to said plaintiffs to file a new declaration and then that this cause proceed according to law and the practice of this Court, for reasons set forth in their opinion on file, Chief Justice Axtell dissenting; It is therefore considered by the Court that the judgment heretofore rendered herein in the First Judicial District Court within and for the County of Santa Fe be and the same hereby is reversed and set aside and that this cause be and the same hereby is remanded to said Court with directions to give leave to said plaintiffs to file a new declaration herein, and to proceed in accordance to law and the practice of this Court. And It is further considered by the Court that the said defendant and appellant recover of said plaintiffs and appellees & their costs in this behalf expended to be taxed and that he have execution therefor

Jesus Maria Pere, Mariano Pere and Pedro Perez, Administrators of the estate of Jose Leandro Pere, deceased

187 vs. 195 } Appeal from 1st District, Santa Fe County.

Candelario Montoya de Gallegos

This cause having been argued by counsel

Day A. D. 18

and submitted to and taken under advisement by the Court on a former day of the present term the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bristol, reversing the judgment and decree of the Court below and remanding this cause to said Court with directions to grant said complainants leave to amend the bill herein for reasons set forth in its opinion on file: It is therefore considered by the Court that the judgment and decree heretofore rendered herein in the First Judicial District Court within and for the County of Santa Fé, wherein this cause came into this Court be and the same hereby is reversed, set aside and vacated and that this cause be and the same hereby is remanded to said Court with directions to allow said complainants to amend the bill of complaint herein in accordance with the opinion of this Court on file and to proceed according to law and the practice of the Court: and it is further considered by the Court that said parties appellants and appellees pay the costs incurred by them in this behalf.

It is ordered that the term adjourn until May Third A. D.

Twenty Second Day May Third, Saturday, A. D. 18 84

Twenty Second Day

Court meets pursuant to adjournment.

Present as upon Wednesday, February 27, 84.

The record of Wednesday, February 27, is read and approved.

187 Oliver H. Alexander, Appellant
vs.
The Tennessee and Los Cerillos Gold and Silver Mining Company
Appeal from First Judicial District Santa Fé County,

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, affirming the judgment of the Court below, for reasons set forth in its opinion on file, all the members of the Court concurring: It is therefore considered by the Court that judgment of the First Judicial District Court within and for the County of Santa Fé, in this cause, whence this cause came into this Court be and the same hereby is affirmed; and that, in accordance therewith, the said defendant, the Tennessee Los Cerillos Gold and Silver Mining Company, do hence without day and recover of the said plaintiff, Oliver H. Alexander, its costs in this behalf expended, as well in the Court below as in this Court, to be taxed and that it have execution therefor.

The Baxter Mountain Gold Mining Company
vs.
Henry J. Pattison, Francis Robinson, C. J. Fish, or Brett and Benjamin Hodges
Appeal from 3rd District Lincoln

176

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bell, affirming the judgment of the Court below, for reasons set forth in its opinion on file, Chief Justice Axtell, dissenting: It is

therefore considered by the Court that the judgment heretofore rendered in this cause in the Third Judicial District Court within and for the County of Lincoln, whence this cause came into this Court, be and the same hereby is affirmed, and that in accordance, this cause be and the same hereby is dismissed, and that said defendants and appellees, recover of said plaintiff and appellant, their costs in this behalf expended, as well in the Court below as in this Court to be taxed and that they have execution therefor. And it is ordered by the Court that the execution on this judgment be stayed for the period of ninety days.

1874

Charles Bent etal. } Appeal from
vs. } 3rd Judicial
The Maxwell Land Grant Compy etal } District Court.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court, being now fully advised in the premises announces its decision by Associate Justice Bell. Chief Justice Axtell dissenting, reversing the judgment and decree of the Court below and remanding this cause to said Court with directions to render decision and decree herein overruling said demurrer and to thereafter proceed herein according to law and the practice of the Court: It is therefore considered by the Court that the judgment and decree of the First Judicial District Court within and for the County of Colfax, whence this cause came into this Court, sustaining the demurrer of the said defendants to the bill of complaint herein, be and the same hereby is reversed, set aside and vacated, and that this cause be and the same hereby is remanded to said Court with directions to render decision and decree herein overruling said demurrer and to thereafter proceed herein according to law and the practice of the Court: It is further considered by the Court that said complainant recover of said defendants their costs in this behalf expended to be taxed, and that they have execution therefor.

Day ..... A. D. 18.....

175 Patrocinio Luna, Plff in Error
vs
The Territory of New Mexico, Deft in Error
} Error to 2d Jud. Dist. Valencia County.

This cause having been argued by counsel, and submitted to, and taken under advisement by the Court, on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Bristol, reversing the judgment of the Court below and remanding this cause with directions to enter judgment absolute for said plaintiff in error: It is therefore considered by the Court that judgment heretofore entered herein in the Second Judicial District Court of New Mexico, within and for the County of Valencia whence this cause came into this Court be and the same hereby is reversed and set aside: That this cause be and it same hereby is remanded to said Court with directions to enter judgment absolute for said defendant and plaintiff in error: and that said defendant and plaintiff in error Patrocinio Luna recover of said plaintiff and defendant in error his costs in this behalf expended, as well in the Court below as in this Court, to be taxed.

130 Joseph Perkins, Appellee
vs
Hugh Strickland et al, D. R. Williams, Appellants
} Appeal from 1st Judicial District. San Miguel County.

This cause having been submitted on briefs to, and taken under advisement by the Court, and the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Axtell, affirming the judgment of the Court below, for reasons set forth in its Opinion on file, all the members of the Court concurring: It is therefore considered by the Court that the judgment heretofore entered in this cause in the First Judicial District Court within and for the County of San Miguel, whence this cause came into this Court, be and the same hereby is affirmed: and that in accordance therewith, the said defendants and appellants

Ralph Prichard Esq. U.S. Attorney for the District aforesaid
appeared in his proper person and also the respondents
by their counsel Messrs Catron Catron & Gortner
and Messrs Crist & Crist, whereupon the
following order was made and entered of record
to wit: Certain proceedings in the
matter of the petition of Certain persons praying
for the appointment of a Road Supervisor for Road
District No. 26 in Precinct No. 26 in said
County, and that the said petitioners file their
Certificate, be set for hearing this day, and
that the Sheriff of said County be ordered
to notify the respondents to appear
herein: and in this behalf appeared as
well as the record shows and this Court
is duly advised that the same should be
therefore.

It is ordered by the Court that C. M. Phillips
Clerk of the District Court be allowed
the sum of Seventy Six Dollars and Eighty Cents
dollars in full for services rendered in the
County of the Court aforesaid for the January
Term, 1898 & 1899, by petition.

It is ordered by the Court that the following
allowances be and they hereby are made to
officers of the Court & others:

A. L. Morrison,	U.S. Marshal	15 days.	150.00
A. L. Morrison,	Sheriff	17 "	34.00
W. H. Reed	"	17 "	34.00
W. H. Thompson	"	17 "	34.00
John V. Morrison	"	13 "	26.00
R. E. Morrison	"	8 "	16.00
S. F. Burkhart	"	8 "	16.00
W. Thorp	"	8 "	16.00
C. M. Phillips	Clerk,	22	220.00
New Mexican Printing and Publishing Company			
For Printing Rules			12.00
Santiago Johnson	Crier	18 days.	36.00.

Whereas C. M. Phillips, Clerk of this Court
has rendered to this Court an account of
his fees and services at and previous to the
present term, and in presence of H. W. Prichard

Day A. D. 18

United States Attorney has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated and whereas said charges appear to be just and according to law: It is ordered by the Court that said account amounting to two hundred and fifty seven dollars be and the same hereby is, approved.

159 The Territory of New Mexico vs Carlos Chaves, Appellant } Appeal from 3rd Judicial District

The death of the said defendant being suggested to the Court, It is Ordered by the Court that this cause be and the same hereby is, abated.

It is ordered by the Court that all causes, motions rules and other proceedings not otherwise disposed of be and the same hereby are, continued until the next term of the Court.

It is ordered that the Court do now adjourn sine die.

Chief Justice

Associate Justice

Associate Justice

At Santa Fé, New Mexico, Saturday, September 29, 1894.

Present:
The Hon. Samuel B. Axtell, Chief Justice of the Supreme Court of the Territory of New Mexico
C. M. Phillips, Clerk of said Court.

Levi Spiegelberg and Willi Spiegelberg
vs.
S. Resch and Company and Lorin Resch

1644

By the Supreme Court of the Territory of New Mexico

This cause having been argued by counsel and submitted to the Court and the Court not being sufficiently advised in the premises the judgment thereof, file this, the judgment of the Court in writing, together with the opinion of the Court by Chief Justice Axtell, reversing the judgment of the Court below and remanding the cause for a new trial upon the issue as to the truth of the attachment affidavit, Associate Justice Bell concurring. It is therefore considered by the Court that the judgment of the First Judicial District Court within and for the County of Santa Fé, whence this cause came into the Court be and the same hereby is reversed and that this cause be and the same hereby is remanded to that Court with directions that a new trial be had therein upon the issue as to the truth of the affidavit for attachment. It is further considered by the Court that the said Levi Spiegelberg and Willi Spiegelberg recover of the said S. Resch and Company and Lorin Resch, their costs in this behalf expended taxed at and that they have execution therefor. It is ordered by the Court that the Clerk of this Court do hereby is directed to enter this judgment nunc pro tunc as of the regular January term, 1894, of this Court, at which term this cause was argued and submitted.

Axtell
Chief Justice &c.

First Day Monday January 5 A. D. 1885

At a regular term of the Supreme Court of the Territory of New Mexico begun and held at Santa Fe, the seat of government of said Territory, on the first Monday of January in the year one thousand eight hundred and eighty five, the same being Monday, January 5, 1885.

Present:

The Honorable Samuel B. Axtell, Chief Justice of the Supreme Court of said Territory

The Honorable Joseph Bell Associate Justice of said Court;

The Honorable Stephen F. Wilson, Associate Justice of said Court,

T. B. Catron, Attorney for the United States.

Attest: Antonio Ortiz y Salazar U.S. Marshal.

Wm. Breeden, Attorney General of said Territory

Romulo Martinez, Sheriff of Santa Fe County

C. M. Conklin, Clerk of said Court.

And now to wit on this day came George W. Knecke into open Court and presented to the Court his

And now to wit on this day came Thomas Benton Catron and Stephen Elkins and entered their

And now to wit on this day came Thomas Benton Catron and Stephen Elkins and entered their

And now to wit on this day came Thomas Benton Catron and Stephen Elkins and entered their

Day A. D. 18

Day A. D. 18

190

191

192

Day ..... A. D. 18.....

[illegible] ordered that the court shall this term be [illegible] the second
Monday in next adjourn permanent at the meeting of the
[illegible] the third Tuesday of the present term.

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

[illegible] repeal from adv'rtisement

2

Day

A. D. 18

Day ..... A. D. 18.....

(illegible) Appellee: — Appeal from
vs. 1st District
The Texas Natural Development Company
Appellant. Appellee by his at-
torney. Appellant, not entering his appearance
herein, it is ordered that the cause
be called up, set down for argument at the ensu-
ing Court on the second Wednesday of this
term.

William L. Chadbourne, Appellee — Appeal from
vs. 1st District
Appellant. Appellee by his at-
torney. Appellant, not entering his appearance
herein, it is ordered that the cause
be called up, set down for argument at the ensu-
ing Court on the second Wednesday of this
term.

(illegible) Appellee — Appeal from
vs. 1st District
(illegible) Appellant. Appellee by his
(illegible) Appellant, not entering his appearance
herein, it is ordered that the cause
be called up, set down for argument
(illegible) second Wednesday
(illegible) term.

(illegible) Appellee — Appeal from
vs. 1st District
(illegible) Appellant.
(illegible) Appellee by his
(illegible) Appellant, not entering his appearance
herein, it is ordered that the cause
be called up, set down for argument
(illegible) second Wednesday
(illegible) term.

(illegible) Appellee — Appeal from
vs. 1st District
(illegible) Appellant.
(illegible) Appellee by his
(illegible) Appellant, not entering his appearance
herein, it is ordered that the cause
be called up, set down for argument
(illegible) second Wednesday
(illegible) term.

216

219

220

221

Day ..... A. D. 18.....

on the Second Friday of the present term.

221 Wallace Langham Appellee } Appeal from
vs. } 2nd District
Charles M. Ferris et al, appellants } Bernalillo County

Now comes said plaintiff & appellee by his attorneys, Messrs. Stone & Stone & Albert, & files herein his appearance herein. And it is thereupon ordered that this cause be & the same hereby is set down for argument at the coming of Court on the third Friday of the present term.

222 The Continental Land & Improvement Co. } Appeal from 2nd
vs. } District
Albert H. Stapleton, Appellant }

Now come the said plaintiff & appellee by their attorneys, W. H. Field, Esquire & Albert & file their stipulation & it is thereupon ordered that the same be & the same hereby is set down for argument at the coming of Court on the second Thursday of the present term.

223 The Territory of New Mexico } Appeal from 3rd
vs. } District
George W. M. Clement et al, Appellants }

Now come the said plaintiff & appellee by their attorneys, Messrs. Stone & Stone & file their stipulation & it is thereupon ordered that the same be & the same hereby is set down for argument at the coming of Court on the third Friday of the present term.

224 Edward M. Brown }
vs. } Appeal from 3rd
Jacob Mann, Appellant } District
Now come the said plaintiff by his attorneys, Messrs. Stone & Stone & file their stipulation & it is thereupon ordered that the same be & the same hereby is set down for argument at the coming of Court on the third Friday of the present term.

225 Barbara Ulrich Appellant }
vs. } Appeal from 2d
Valentine Schick et al. } District

Upon motion of said defendants' counsel it is ordered that
attorneys Messrs. Chandler & Thompson be and they are hereby
appointed counsel for said defendants in this cause and that the
Court shall allow counsel a reasonable time to prepare for trial
of said cause and that the same be set for trial on the third Tuesday in May A. D. 1875.

226 Nicolas J. Bowen plaintiff
vs
Mary Bowen defendant

Now on this day this cause coming on to be heard upon the motion of the plaintiff for an order of publication and it appearing to the Court that the defendant is a non-resident of this State and that a cause of action exists in favor of the plaintiff and against the defendant as set forth in the complaint herein

215 John Dixon plaintiff
vs
Francis Dixon defendant

It is ordered that the defendant be and appear herein within thirty days from the date hereof and answer or demur to the complaint herein

Second Day Tuesday January 6 A. D. 1846

Second Day [illegible] A. D. 18[illegible]

[illegible]

215

[illegible]

[illegible]

22c

[illegible]

207

[illegible]

[illegible]

[illegible]

Day A. D. 18

Third Day Wednesday January 7 A. D. 1885

Third Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

21 The Trustees of Mount Pleasant Academy Appeal from Third
vs. District Grant County
Lewis Litle, Plaintiff, Appellant Bristol. C.J.

This cause now coming on to be heard upon the record & brief filed herein, & being argued by Jas. Jones, Esquire for appellant, & by Thos. Lindsey, Attorney General for said District Court, & submitted to the Court, & the Court being sufficiently advised in the premises doth order & adjudge that the judgment of the Court below be affirmed at the appellants cost.

3 Thomas Hunter, Sheriff &c Error
vs.
Thomas Hall Plaintiff in Error
& Scott Starton, Trustee of Mount Pleasant Academy

This cause coming on to be heard upon the record & brief filed herein & argued by Jas. Jones, Esquire for plaintiff in error & by Thos. Lindsey, Attorney General for said defendant in error, & submitted to the Court, & the Court being sufficiently advised in the premises doth order that the same be affirmed at the appellants cost.

1 Andrew J. Coffman &c Error
vs.
Smith Mercer & Co Plaintiff in Error
Smith Mercer & Co Defendant in Error

This cause coming on to be heard upon the record & brief filed herein & argued by Thos. Lindsey, Esquire, Attorney General for said defendant in error, & submitted to the Court, & the Court being sufficiently advised in the premises doth order that the judgment of the Court below be affirmed at the appellants cost.

Now comes Wm. H. Clements, Esquire, and Attorney

Fourth Day Thursday January A. D. 1885

[illegible] Satisfactorily [illegible] the Court [illegible] Mutual Benefit [illegible] satisfaction of the Court [illegible] Plaintiff has been duly admitted to practice [illegible] said motion is [illegible] that Mutual Benefit Company be and hereby is admitted to practice [illegible] Counsellor of this Court, whereupon he was [illegible] open Court duly [illegible] oath prescribed by the rules of this Court.

It is ordered that [illegible] until tomorrow morning at [illegible]

Fourth Day

Court met pursuant to adjournment.

Present as before [illegible]

The record of yesterday's proceedings read and approved.

Mutual Benefit [illegible] Plaintiff in Error

vs.

William T. Thornton Exec. Statton Receiver of the Neuse & Land Grant & Railway Company Defendant in Error

Error to Wake Judicial District Court

Mr. Haywood & Mr. Busbee for Plaintiff in Error

Mr. Gatling & Mr. Battle for Defendant in Error

109

139

Day A. D. 18

[illegible] the parties in the above entitled cause, and duly submitted to the Court for its consideration and decision, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Gilbert, affirming the judgment of the District Court, from which said appeal is prosecuted, and that the District Court of Kiowa County do proceed within one year from the date hereof to carry the judgment and decree of said District Court of Kiowa County into execution, and hence this cause came into this Court, by the same is hereby affirmed and that in accordance therewith, the said defendants in error William H. Bowman & E. Platt Stratton, Receivers of the Maxwell Land Grant and Railway Company, recover of the said plaintiff in error William H. Mew, the possession of the following premises, to wit: situate in the County of Colfax in the Territory of New Mexico, to wit: that certain ranch and tract of land known as the Monte Rench ranch and property thereto belonging and pertaining to said William H. Mew, situated on the north side of the Cimarron River, about one half above the mouth of the Willow Creek, and known as the southeast quarter of section thirteen in township six south, range four east and the northeast quarter of section thirty two in township six south, range three east, and that they have a writ of restitution issue therefor and also that they recover of the said defendants in error their costs in this behalf expended, and in the Court below as in this Court taxed at sixty three dollars and five cents and that [illegible] execution issue therefor, and it is further ordered by the Court that the Clerk of this Court issue a mandate in due form of law according to the practice of this Court and that the said William H. Bowman and E. Platt Stratton, Receivers of the Maxwell Land Grant and Railway Company, recover of said [illegible] Mathias Mack, Albert Kennard, Defendants in error, and Jonathan Lee, securities on aforesaid, the sum of sixty three dollars and five cents, their costs in this behalf expended, taxed as a-

aforesaid Ballard they [illegible]

Antonio Jaramillo [illegible]

118 Luciano Archuleta [illegible]

cause [illegible]

cord, [illegible]

being argued [illegible]

sufficient [illegible]

mitted to the [illegible]

ficiently advised in the [illegible]

finder advisement.

Now comes John D. Kinaer, Esquire, attorney of this Court, and [illegible]

admit Henry M. [illegible]

this Court, [illegible]

of the Court that [illegible]

Esquire has [illegible]

as an attorney, [illegible]

in the First Judicial [illegible]

lory, It is ordered by this Court that [illegible]

Henry M. [illegible]

to practice as an attorney, solicitor, counsellor

of this Court, [illegible]

Court and [illegible]

rules of the Court.

Now comes John D. Kinaer, Esquire, attorney of this Court and moves the Court to admit Jesus Ballard, Esq. to practice in this Court, and it appearing to the satisfaction of the Court that the said Jesus H. Ballard has been duly admitted to practice in the First Judicial District Court in this Territory, as an attorney, solicitor & counsellor, It is ordered that said Jesus H. Ballard be & he hereby is admitted to practice as an attorney, solicitor & counsellor of this Court, & he appearing he appears in open Court and takes the official oath prescribed by the rules of the Court.

It is ordered that Court do now adjourn until tomorrow morning at ten o'clock.

Fifth Day: Friday forenoon, 9th — A. D. 1855

Fifth Day

(Continued pursuant to adjournment

Friday 11 o'clock A.M.

Plaintiff & Defendant proceedings in equity appeared,

as heretofore (Commissioner Effingham & Judicial Circuit

for, Court Solicitor

Effingham & County,

this cause coming on to be heard upon the

Bill & Answer & Exhibits & Depositions filed therein

& Counsel for Complainant & Defendant

Complainant & Defendant in error,

Plaintiff & Defendant in Error, Court not be-

ing sufficiently advised in the premises, takes

the same under advisement, this said Plaintiff

having also filed & Petition & Bond for

Appeal from

Circuit

Court

this cause coming on to be heard

upon the Bill & Answer & Exhibits & Depositions

& Counsel for Complainant & Defendant

Complainant & Defendant in error,

Court not being sufficiently advised in

the premises, takes the same under advisement,

to practice in this Court ... the ... of counsellor
at law of the ... Court ... if ... will ... by the rules of the Court

It is ordered that ... be ... until ...

With Leave

Court met ...

Present as upon ...

The record ... and ... read ...

Territory ...

208 vs.

Florida ...

Now this ... the ... the ... the record, assignment of error, & brief ... upon
which being argued by Mr. ... Counsel ... Counsel
of said Territory, on behalf of ... and ... upon
which ... Counsel ... thereupon
dant and appellant, it ... Court
Court not being sufficiently ... will ...
takes the same under advisement.

Ordered

219 United States of America, Appellees }
vs. }
William Bowman, Appellant }

This cause coming on to be heard upon
the record, assignment of error, & brief ... herein
& being argued by Mr. ... & Mr. ... it

Sixth Day Saturday January 10th A. D. 1852

part of said defendant Stapp, that he did decide, that said Attorney on the part of said plaintiff, in error, is entitled to the Court further Court, that the Supreme Court in the premises, before the said decision,

130 Clinton A Smith Garnishee &c Error to First
Cited cause Tiffs in Error Judicial District
to Court Santa Fe
Conrad Stapp Deft in Error County Sante Fe

It appearing to the Court that the Counsel for the plaintiffs in error in the above entitled cause has failed to file the assignments of error in the office of the Clerk of this Court within the time prescribed by the rules of this Court, on motion of Mr Spencer Attorney for the defendant in error, It is ordered by the Court that the writ of error in this cause be and the same is hereby dismissed with costs, and that the defendant in error, Smith A Garnishee recover against the plaintiffs in error, Conrad Stapp defendant in error, the sum of Eighty seven dollars and fifty cents damages by him sustained by reason of the premises, and that he have execution therefor.

It is ordered that the Court do now adjourn until Monday morning next at 9 o'clock.

Day A. D. 18

[redacted]

[redacted]

[redacted]

Eighth Day [illegible] A. D. 18[illegible]

premises, [illegible]

210 Franklin Mace Pauk et al. Appellants } Error to Pres
vs. } Second Judicial
Atchison Topeka & Santa Fe Railroad } District.
Company } Arriba Co.

This cause coming on to be heard upon the
record, assignment of errors and briefs of
being argued by Mr. [illegible] counsel for
said complainants and appellants and by Mr. [illegible]
Esquire, on the part of said defendant and appellee, &
submitted to the Court upon consideration
ently advised in the premises, it is
adjudged

107 [illegible]

[illegible]

[illegible]

[

Day A. D. 18

[illegible] affirming the judgment of the Court below for reasons set forth in the opinion on file, Chief Justice Axtell concurring; It is therefore considered and adjudged by the Court that the judgment of the First Judicial District Court within and for the County of Rio Arriba, rendered in said cause on the [illegible] day of [illegible] A. D. 1891, be and the same hereby is affirmed and that in accordance therewith [illegible] Supreme Court mandate issue to the [illegible] District Court within and for the County of Rio Arriba, commanding it to cause execution and proper proceedings to be had in said cause in accordance with this decision and the opinion of this Court.

[illegible] from the First Judicial District Court within and for the County of Rio Arriba.

224

[illegible] having been argued by counsel, and submitted to the Court under advisement by the Court on the [illegible] day of the present term of the Court, and the Court now being sufficiently advised in the premises, it is ordered by the Court (Chief Justice

25

Day

A. D. 18

Ninth Day Wednesday January 1st A. D. 1855

It is further considered and adjudged by the Court that the said John H. Tucker and Frederick R. Fuller and the said John R. Price and John G Mills, the securities as aforesaid, the said sum of ~~Ten~~ Hundred and three dollars and forty two cents, ~~with interest thereon as aforesaid~~, together with their costs in this behalf expended, as well in the Court below as in this Court, to be levied ~~as~~ that they have execution therefor.

It is ordered that the Court do now adjourn till tomorrow morning at ten o'clock

Ninth Day

This cause ~~coming~~ to be heard upon the Transcript of the Record of the proceedings of the District Court of the First Judicial District for the County of San Miguel and upon the arguments of Counsel thereupon had, and it appearing to the Court that there is manifest error in the judgment rendered in said cause by the said District Court, it is therefore considered, ordered and adjudged by the Court that the said judgment be reversed and annulled, and that this cause be remanded to the said District Court with instructions to proceed therein according to law and justice. And it is further considered, ordered and adjudged by the Court that the said Appellees pay to the said Appellants their costs by them in this behalf expended, and that the said Appellees have execution therefor.

1st Error to First District San Miguel

Vicente Romero et al. Appts. vs. Antonio Ma Abreu et al. Appellees

This cause coming on to be heard upon the record and upon the arguments of counsel thereupon had, and it appearing to the Court that there is manifest error in the judgment rendered in said cause by the said District Court, it is therefore considered, ordered and adjudged by the Court that the said judgment be reversed and annulled, and that this cause be remanded to the said District Court with instructions to proceed therein according to law and justice. And it is further considered, ordered and adjudged by the Court that the said Appellees pay to the said Appellants their costs by them in this behalf expended, and that the said Appellees have execution therefor.

203 Writ of Error to First District San Miguel

Vicente Romero et al. Appellants vs. Antonio Ma Abreu et al. Appellees

This cause coming on to be heard upon the record and upon the arguments of Counsel thereupon had, and it appearing to the Court that there is manifest error in the judgment rendered in said cause by the said District Court, it is therefore considered, ordered and adjudged by the Court that the said judgment be reversed and annulled, and that this cause be remanded to the said District Court with instructions to proceed therein according to law and justice. And it is further considered, ordered and adjudged by the Court that the said Appellees pay to the said Appellants their costs by them in this behalf expended, and that the said Appellees have execution therefor.

the part of said accused and the U. S. witnesses appear
on behalf of said accused, submitted to the Court
and the Court, not being sufficiently advised in the
premises, take the same under advisement

Now comes William Breedlove, attorney of
this Court and moves the Court to admit J. M. Rankin,
Esquire to practice as attorney and counselor
of this Court and it appearing to the satisfaction
of the Court that the said J. M. Rankin has
been duly admitted to practice in the Judi-
cial District Court
that the said
is admitted

219 The United States of America
vs.
William Bowman, Indictment

Appeal from the
Dona Ana District
Dona Ana County.

Tenth Day Thursday January 15th A. D. 1880

Present

Hon. Niles Searing Presiding

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

Olivia Yates Appellee
vs
Mutual Savings & Improvement Company Appellant } Appeal from 1st District. San Miguel.

Olivia L. McCaughtry Appellee
vs
Mutual Savings & Improvement Company Appellant } Appeal from 1st District. San Miguel County.

The foregoing two cases coming on to be heard together upon the records, briefs of counsel & oral argument filed therein, & being argued by Wm Irwin & Wm. H. St. Clair, Esquires, on the part of said appellant & by Wm H. Pierce & W. L. Pierce, Esquires, on the part of said appellee, and submitted to the Court for their consideration & decision, & duly considered in the premises, Takes the same under advisement.

Court adjourns until tomorrow morning at 10 o'clock A.M.

129 Louis Fisher

Eleventh Day Friday January 16th A. D. 1852

Eleventh Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

174 E. Stearns, Plaintiff in Error, vs. Elisha Elston, Defendants in Error } San Miguel Co. Appeal from First Judicial District.

This cause coming on to be heard upon the record, brief & argument of counsel filed herein, & being argued by Col. Chacon, counsel for the plaintiff in error on the part of the said plaintiff in error & by Wm. L. Lee Esquire on the part of the said defendants in error, & submitted to the Court & the Court being sufficiently advised in the premises, takes the same under advisement.

2 [illegible] vs. [illegible] } Appeal from First Judicial District. San Miguel County.

This cause coming on to be heard upon the record, brief & argument of counsel filed herein & being argued by Col. Chacon, Esquire, on the part of said appellant & by Wm. L. Lee Esquire, on the part of said appellee & submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

2 [illegible] vs. [illegible] } Appeal from San Miguel County.

This cause coming on to be heard upon the motion of the said plaintiff & appellee by her attorney Wm. L. Lee Esquire, & the said defendant & appellant having failed to file in the office of the Clerk of this Court, ten days before the first day of this term, in which this cause is returnable, a transcript of the said proceedings herein, the said plaintiff & appellee now moves the Court for an order affirming the judgment of this Court heretofore rendered herein, & for the costs of this Court & for damages against defendant & the securities on his appeal bond at the rate of ten per cent on the amount of the said judgment & no good cause being shown to the contrary, the Court being sufficiently advised in the premises, grants said motion: It is therefore considered by this Court that the judgment of the said

Day

Judicial District Court of New Mexico within and for the County of San Miguel, whence the cause came into this Court, be affirmed with damages at the rate of ten per centum the amount of said judgment, and that the said Esther D. Whitehouse, executrix of the last will and testament of Jefferson Raynolds, deceased, and The Las Vegas Academy, the sum of three hundred and forty nine dollars and fifteen cents, be hence forth and forty nine dollars and fifteen cents, be hence forth and forty nine dollars and fifteen cents, be hence forth

Twelfth Day Saturday January 17th A. D. 1885

Twelfth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

Clarissa Nesbit, Plaintiff in Error } Error to
vs. } First Judicial
The trustees of the Board of Domestic Missions } District,
of the General Assembly of the Presbyterian Church } Santa Fé
in the United States of America, Defendant in Error } County.

This cause coming on to be heard upon the record, assignment of errors, & briefs filed herein, & being argued by Frank W. Springer & J. J. Clancy, Esquires on the part of said plaintiff in error & by Chas. C. Knabel, Esquire on the part of said defendant in Error, & submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

Sue Easley, Appellee } Appeal from
vs. } Third Jud. Dist.
Wm. H. Bennett, Executor, Appellant } Dist. Court County.

This cause having been argued by counsel, & submitted to the Court for consideration & decision upon the record of the present term, the Court, being sufficiently advised in the premises, announces its decision in accordance with the opinion of Chief Justice Bell affirming the judgment of the Court below, for reasons set forth in the opinion on file, & thereupon the Court is therefore considered by the Court that the judgment in this cause of the Third Judicial District Court within & for the County of Grant be & the same hereby is affirmed & that in accordance therewith, the said Territory, hereinafter to be designated as Appellee recover from the said Appellant, Executor, the sum of three thousand seven hundred & twenty dollars & eighty cents ($3720.80) with interest thereon at the rate of six per cent per annum from the first term of this Court, to wit, the fifteenth day of August, 1884, & the said Appellee further recovers the costs of this suit & that the said Appellant have & recover of & from the said defendant & appellant herein & his bondsmen expended & to be expended in the Court below & in this Court & that execution therefor issue & that this cause be sent back to said District Court, & ordered that this cause be sent back to said District Court with directions to carry said judgment into execution.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Dec

A. D. 18

Day ..... A. D. 18.....

be, and he hereby is, admitted to become a citizen of the United States.

It is ordered by the Court that William Breeden, Frank Springer, William B. Childers and Frank H. Clancy, Esquires be and they hereby are appointed as committee to memorize and prepare for publication, the rules of practice of this Court and of the District Courts of this Territory, to be submitted to the Court during the present term for adoption.

Lucius N. Osborn, Plaintiff in Error
vs.
The United States of America, Defts. in Error
} Error to First Judicial District Court.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Justice Bell, reversing the judgment of the court below, and remanding this cause for such other action as may be proper in accordance with said opinion. Chief Justice Wilson concurring; It is therefore considered by the Court that the judgment of the District Court in this cause, whereby the cause was remanded to this Court be and the same hereby is reversed, and that the cause be and the same hereby is remanded to said Court for such other action as may be proper in accordance with the views expressed in said opinion, and that said L. N. Osborne recover his costs in this behalf expended.

105

In the matter of the service of Appellee
vs
Lucius Wilson, Appellant
} Appeal from Rio Arriba County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court on a former day of the present term, the Court being sufficiently advised in the premises, announces its decision by Justice Bell, reversing the judgment of the Court below, for reasons to be set forth in the opinion on file, Chief Justice Wilson concurring; It is therefore considered by the Court that the judgment of this Cause of the First Judicial District Court within and for the County of Rio Arriba, whence this cause came into this Court, be and the same hereby is reversed and that in accordance with the views expressed in said opinion, Appellee Lucius Wilson recover his costs in this behalf expended.

Lc

Day A. D. 18

Seventh Day January Term A. D. 18[illegible]

[illegible]

[illegible]

[illegible] Day [illegible] A. D. 18[illegible]

201

Sixteenth Day Thursday January 22nd A. D. 1885

Sixteenth Day.

Court directs summons to adjournment

Trial of appeal Saturday.

The record of yesterdays proceedings is read & approved:

Santiago Baca Appellee
vs.
206 Kate Hilton Appellant. } Appeal from Second Judicial District Bernalillo County.

The cause having been argued by counsel, and submitted to the Court upon the pleadings, evidence and instructions, the Court [illegible] to pronounce its decision in the premises, whereupon the Court [illegible] the Chief Justice [illegible] that the judgment of the District Court [illegible] for the reasons set forth in the opinion of the Chief Justice, and that the cause be remanded to the District Court with instructions to proceed in accordance with the opinion of the Court.

Court adjourns

204. Court convenes pursuant to adjournment. Present Chief Justice and Associate Justices Long and Smith. Sheriff and Clerk present. Court directs that the minutes of yesterday be read and approved. Whereupon the minutes are read and approved by the Court. Thereupon the following proceedings were had, to wit:

Santiago Baca Appellee
vs.
Kate Hilton Appellant. } Appeal from Second Judicial District Bernalillo Co.

This cause coming on to be heard upon the transcript of the record and proceedings herein, and upon motion of Mr. Catron, counsel for appellee, it is ordered by the Court that the appeal herein be and the same is hereby dismissed at the cost of the appellant, and that the mandate of this Court issue forthwith to the District Court of Bernalillo County.

Day A. D. 18

[illegible]

[illegible] diagram [illegible] date

[illegible]

..... Day ..... A. D. 18.....

207

William C. Hobbs, et al. Appellees
vs.
Spiegelberg Brothers, et al. Appellants
} Appeal from the Second Judicial District Court of Bernalillo County.

This cause having been argued by counsel & submitted to & taken under advisement by the Court on a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Axtell, affirming the judgment of the Court below for reasons set forth in the opinion on file, Associate Justice Wilson concurring: It is therefore considered by the Court that judgment & decree of the Second Judicial District Court within & for the County of Bernalillo be & the same hereby is affirmed & that in accordance therewith the said complainants Hobbs & Parker have a lien upon lots eleven & twelve in block fifteen as designated on the map of the town of Albuquerque made by Johnson Bilton, Civil Engineer & filed in the office of Probate Clerk & ex-officio Recorder of the County of Bernalillo on the 5th day of May 1880 & the building & said lots, for the amount found to be due from defendants, Spiegelberg Brothers to wit: the sum of three hundred and seven dollars & ninety two cents, with interest at the rate of six per cent per annum from the 20th day of January, 1887: that complainants Fox & Co. & Company have a lien on the said described premises for the amount found to be due them from said defendants Spiegelberg Brothers, to wit: the sum of three hundred & forty dollars with interest thereon at the rate of six per cent per annum from the 20th day of February, 1882: that said defendants, Spiegelberg Brothers pay said sum of money with interest as aforesaid to the said complainants respectively, & all costs of this suit, & in default the Court direct the Sheriff, retaining the sum of fifteen dollars for each of said complainants Hobbs & Parker & Fox & Company, that being the amount expended by them for preparing & filing their said bill, & attorneys fee of one hundred dollars in the lower Court & of one hundred dollars in this Court which is hereby allowed & fifty Masters & one hundred dollars within thirty days from this date: & in case the said defendants Spiegelberg Brothers shall make default in the payment of the said sums of money aforesaid within the time aforesaid, that the Sheriff of said County of Bernalillo shall make sale of the said premises, or such part thereof as may be necessary to pay the amounts aforesaid at public vendue to the best & highest bidder for cash, after having first given public notice by publication in some newspaper published in the county of Bernalillo, which notice shall be given for the space of thirty days: & the said Sheriff will execute a deed to the purchaser or purchasers at said sale, & out of the proceeds of said sale shall first pay the costs of these proceedings & of said sale, & next satisfy the amount due the said complainants Hobbs & Parker & the amount so found due them with interest as aforesaid & to the said complainants Fox & Co. the sum of three hundred & forty dollars, with interest as aforesaid & fifteen dollars & costs of the proceedings & sale remaining in the Sheriff's hands to pay both of said complainants in full: & he shall further proceed & the said Sheriff will report his doings in the premises to the Court.

Frederick H. Kent, Appellee
vs.
C. Laws & Co., Appellants
} Appeal from Second Judicial District Bernalillo County.

206

This cause having been argued by counsel & submitted to & taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Wilson, affirming the judgment of the Court below, for reasons set forth in the opinion on file, Chief Justice Axtell concurring: It is therefore considered by the Court that the judgment of the District Court of Bernalillo County be & the same hereby is affirmed & that in accordance therewith the said Frederick H. Kent recover of the said C. Laws & Co. the sum of two hundred & fifty dollars & sixty six cents with interest thereon at the rate of six per cent per annum from May 26, 1884, together with his costs in this behalf expended & have execution therefor: & it appearing to the Court that A. J. Barr & H. C. Leeds are securities on the supersedeas bond herein, It is further considered that said Frederick H. Kent, receiver of said A. J. Barr & H. C. Leeds, securities as aforesaid, the said sum of two hundred & fifty six dollars & sixty six cents, together with the interest aforesaid & the costs in this behalf expended as well in the Court below as in this Court, to be levied & that he have execution therefor

Day

A. D. 19

Day A. D. 18

Eighteenth Day Saturday January 14th A. D. 1815

Eighteenth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of proceedings of ninth day read & approved.

Q. 27 Ann Warren [illegible] Court [illegible] Judgment
Robert A. Stockton [illegible] Esqr. [illegible]
The court upon mature deliberation [illegible]
record, [illegible] by the Grand Jury [illegible]
by the Petit Jurors, [illegible] found [illegible]
guilty [illegible] [illegible]
[illegible]

[illegible]

Q. 17 [illegible]

[illegible]

[illegible]

[illegible]

Q. [illegible]

[illegible]

[illegible]

[

Day ..... A. D. 18.....

913 William McArthur — Appeal from First
Judicial District
vs.
Kirtan J. Sargent et al, Appellants. Scott & Miguel Co.,
Respondent.

Stipulation of said parties by their respective attorneys, that certain documents submitted to the Court upon hearing of respondent's motion to dismiss appeal herein, by the Court not being sufficiently advised in the premises, before the same under advisement.

931 M. Isaacksen, Plaintiff in Error — Error to First
Judicial District
vs.
H. Lund et al, Defendants in Error. County.

Stipulation of said parties by their respective attorneys that said plaintiff in error may have to and including [illegible] days in which to docket this case in this Court.

[illegible] that it be [illegible] Court do grant defendants [illegible] to and including [illegible] days in which to docket [illegible]

Day A. D. 18

Twentieth Day Tuesday January 2nd A. D. 1855

Twentieth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings read & approved.

199 The Texas Central & Northern Railroad Company Appellant Error from Bastrop District
vs. Court.
James B. Orman et al. Defendant in Error Suit to Enjoin Collection of Taxes.

This cause coming on to be heard upon the transcript of the record, assignment of errors and brief of counsel for the appellant & plaintiff in error & by fail. to appear, or file brief of counsel for the appellee & defendant in error, it is ordered that the judgment of the court below be affirmed with costs.

191 Paul H. Morrison, Jr. Appellant Error from Bastrop District
vs. Court.
James L. Orman et al Appellees

This cause coming on to be heard upon the transcript of the record, assignment of errors & brief of counsel for the appellant & plaintiff in error & by fail. to appear, or file brief of counsel for the appellee & defendant in error.

It is ordered that the judgment be affirmed with costs.

Twenty first Day Wednesday January 21st A. D. 1885

Twenty First Day

Court meets pursuant to adjournment

Present as upon yesterday.

Record of yesterdays proceedings read & approved.

191 Wm. Pelham, Plff in Error
vs.
James L. Cowan, Def in Error
} Error to Circuit Court Christian County.

This cause coming on to be heard, is further ordered to be dismissed at plaintiffs cost. Error Bond submitted to the Court, & the Court not being sufficiently advised of the premises take the same under advisement.

215 A. M. Jones, Appellant
vs.
Mahlon Bennett, Appellee
} Appeal from 2d District, Christian County.

This cause coming on to be heard upon the transcript of the record, & submitted to the Court, & the Court not being sufficiently advised of the premises, take the same under advisement.

[illegible] } Appeal from 2d District, Christian County.

This cause coming on to be heard upon the transcript of the record, & submitted to the Court, & the Court not being sufficiently advised of the premises, take the same under advisement.

221 Christian Christian, Appellant
vs.
Charles Allen, et al, Appellees
} Appeal from 2d District Christian Co.

This cause coming on to be heard upon the transcript of the record, & briefs of counsel & submitted to the Court, & the Court not being sufficiently advised of the premises, take the same under advisement.

on behalf of said defendants [illegible]
Glenn Ogletree, in behalf of said [illegible]

The Judge of this Division [illegible]
of Bee District [illegible]
Government of said [illegible]
appoint the several [illegible]
of holding the Courts in their respective [illegible]
Bee and [illegible]
follows:

On the First Monday in [illegible]
day of February to continue in session [illegible]
ing four weeks and to begin on the first Monday
of June and to continue in session [illegible]
six weeks, both of said [illegible]
St. Clair City.

In the Second Judicial District [illegible]
first Monday of [illegible]
succeeding four weeks and to begin on the first
day of September and to continue in session [illegible]
ceeding four weeks, both of said terms to be held
at Las Cruces, New Mexico.

In the Third Judicial District [illegible]
hereby authorized to appoint [illegible]
terms of the Court [illegible] with Grier Cahill
Esq. of the County [illegible] with Grier Cahill
Esq. terminating to the Court the necessary
testimonials of his qualifications to act as
Commissioner under the rules of the Court, to be annexed
to records of the Court, and the Court
[illegible] in the premises ordered
by the Court that the said [illegible]

Day ..... A. D. 18.....

the Court hereby is admitted to practice in this Court, and as counsellor of this Court, enters upon the duties of that office; and the Clerk is directed to enter this order.

William Talbot, appellant
vs.
John M Randall, appellee.

Appeal from the District Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the District Court of the Territory of Arizona, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the decree in this cause be, and the same is hereby affirmed with costs.

And it is further ordered that the mandate issue to the District Court of the Territory of Arizona in accordance with this opinion.

Twenty Second Day Thursday January 29 A. D. 1885

Twenty Second Day.

Court meets pursuant to adjournment

Present as heretofore

The record of yesterdays proceedings was read approved

Charles Probst. Plaintiff in Error
vs
The Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America Defendants in Error

193

This cause coming on to be heard by the Court upon the transcript of the record and submitted to the Court for its consideration and by the Court being sufficiently advised in the premises, overrules the motion of the plaintiff in error for the judgment of the Court herein, by the Circuit Judge Stilson, dismissing the writ of error for reasons set forth in the motion on file; and it is therefore ordered and adjudged by the Court that the judgment of the District Court of the Third Judicial District within and for the County of Arapahoe in this cause be affirmed and that the defendant in error recover of the said plaintiff in Error Charles Probst, the possession of the premises described in the complaint to wit; a certain tract of land; the same lying and being situated in the City and County of Denver, bounded and described as follows to wit; beginning at the point at which the south line of the lands of the late Francisco Baca y Orlis intersects the westerly line of the road or highway that leads northerly past the Military Hospital, thence running Southerly one hundred and twenty yards more or less to the line de la Alameda; thence westerly along the line to another road or highway which leads to the Chapel of Santa Maria; thence northerly along

Day A. D. 18

the said road or highway one hundred and seventy one feet more or less, to the southern line of the lands formerly of John D. Timm; thence easterly along the said southerly line, fifty eight yards more or less, to the eastern line of the lands formerly of the said John D. Timm; thence northerly along the said eastern line sixty yards more or less, to the southerly line of the said lands formerly of Francisco Eccay Ortiz, and thence eastern along the said southerly line to the point or place of beginning, and that it have a writ of possession therefor; and also that it further adjudge of said Charles Probst the sum of five dollars, damages, together with its costs in this behalf expended, as well in the Court below as in this Court and that it have execution therefor. And afterwards to wit at the Court that William Fahrender and Francisco Eccay Ortiz, the aforesaid bond filed herein, did file a petition in the Court that the said Board of Domestic Missions of the Presbyterian Church in the United States of America, the assignee of the said William Fahrender, the assignee of the said Francisco Eccay Ortiz, be substituted in the place and stead of the said William Fahrender and Francisco Eccay Ortiz, and

Day A. D. 18

[illegible] without [illegible] the Court [illegible] the same hereby is revoked unless [illegible] that the said [illegible] shall [illegible] the same [illegible] as well in the Court aforesaid [illegible] the said [illegible] attendant [illegible] as well in the Court aforesaid [illegible] the said [illegible] execution thereof

221 Wallace Ewing, Assignee [illegible] vs. Charles Lewis et al - Replevin. Attachment. Affidavit of [illegible]

226 Lecta J. Brown, Appellant vs. The Peoria Gas Light Co. Appeal from the record. [illegible] behalf of said Appellant [illegible] Esquire, his Solicitor and Attorney, [illegible] the Court that the Court [illegible] reversed in the foregoing [illegible] Judgment.

It is ordered [illegible]

Twenty third Day

Court met pursuant to adjournment

Present as heretofore.

The record of yesterdays proceedings read & approved.

The Texas Southwestern Railroad Company Plaintiff in error.
vs.
Lewis Schuster et al Defendants in Error.

Error to Fort Bend Judicial District Bexar County.

196

The defendants in error by their attorneys of record move the Court for leave to strike the writ of exceptions from the record & to strike the writ of exceptions from the record & to dismiss the writ of error for want of proper assignments of error & exceptions filed said motions being argued & submitted to the Court & the same being duly considered by the Court it is ordered that said motions be & the same are hereby overruled.

It is ordered that the plaintiffs in error have leave to file their assignments of error & exceptions in this cause on or before the first day of the next term of this Court.

Error to Fort Bend Judicial Dis. Bexar County.

197

This cause coming on to be heard on the transcript of the record from the District Court of Bexar County, & on motion of Chief Justice Stayton & Associate Justice Gould, it is ordered that the judgment of this Court heretofore rendered in this cause on the 16th day of January A. D. 1880 be & the same is hereby set aside & the following judgment rendered in lieu thereof, to wit:

Error to Second Judicial Dis. Travis County.

198

This cause coming on to be heard on the transcript of the record from the District Court of Travis County, & was argued by counsel for the plaintiffs in error & by counsel for the defendants in error, the Court being of the opinion that there is no error in the judgment of the District Court in this cause, it is ordered that the judgment of the District Court be affirmed with interest at the rate of eight per cent per annum from the date of the judgment of the District Court, Chief Justice Stayton & Associate Justice Gould dissenting.

220 (State of Connecticut ss. Appellants Appeal from
to, 3rd Judicial Dist.
John J. Chisholm Assignee, Appellants Dist. Litchfield Co.

Now come said appellees by their attorneys, Messrs. Calhoun, Dix. & Hallock, & move that they may have leave to appear from the judgment & decree of this Court in this cause, to the Supreme Court of the United States, for reasons set forth in their accompanying affidavits on file & submitted to this Court & that this Court forthwith certify & transmit the record, proceedings, & papers in this cause to the Supreme Court of the United States.

221 State of Connecticut ss. Error to First
to Judicial Dist.
John J. Chisholm Assignee, Plaintiff in Error Dist. Litch-
vs. field Co.
Henry Clews & Co. defendants in Error

This cause coming on to be heard upon the motion of the plaintiff in error for leave to prosecute a writ of error from the Supreme Court of the United States, & Edward Hallock Esquire appearing on behalf of said plaintiff in error, & Charles Chapman Esquire, on behalf of said defendants in error, & submitted to the Court & the Court, being sufficiently advised in the premises, doth grant said motion & order accordingly.

Now comes Edward Hallock Esquire & moves the Court to admit Charles Hamilton to practice in this Court & it appearing to the satisfaction of the Court that the said Charles Hamilton has been duly admitted to practice as an attorney & counsellor at law in the First Judicial District Court of this State, the Court grants said motion & thereupon ordered by the Court that said Charles Hamilton be & he hereby is admitted to practice as an attorney & solicitor & counsellor of this Court, & he appears in open Court & takes the oath prescribed by the rules of the Court.

Ordered that the Court do now adjourn until ten o'clock A.M. to-morrow.

Seventeenth Day January A. D. 18[illegible]

Twenty Fourth Day.

Court met pursuant to adjournment

Present as upon former days

Record of proceedings of yesterday read

193 [illegible]

194 [illegible]

Further considered by the Court. Court being now sufficiently advised in the premises, proceeds to decision in Appeal Case, reversing the judgment of the Court herein and dismissing the complaint herein for reasons set forth in its opinion on file, Associate Justice Wilson concurring; It is therefore considered by the Court the judgment order & decree herein of the First Judicial District Court within & for the County of San Miguel, wherein [illegible] Court

into this Court for the same hereby is reversed and set aside and that the complaint herein be dismissed. And that appellant pay to said defendant below, as costs in this behalf expended, as well in the Court below as in this Court, to be taxed and that the said cause be remanded.

No. 1. Error to First Judicial Dist. Court Santa Fe Co.

Daniel Sisneros et al. Defts in Error

Motion of said defendants in error to strike bill of exceptions from the record, having been argued by counsel and submitted on a former day of the present term, and the Court being now sufficiently advised in the premises, grants said motion; It is therefore ordered by the Court that the bill of exceptions in said cause heretofore filed herein be and the same hereby is stricken from the transcript of record filed herein.

No. 2. Error to First Judicial Dist. Court Santa Fe Co.

Jesus Maria Sandoval et al. Defts in Error

Motion of said defendants in error to dismiss writ of error in said cause argued by counsel, and submitted on a former day of the present term, and the Court being now sufficiently advised in the premises, said motion; It is therefore ordered by the Court that said motion be and the same hereby is denied.

No. 3. Error to First Judicial Dist. Court

Jesus Maria Sandoval et al. Defts in Error

Motion of said defendants in error to dismiss writ of error in said cause argued by counsel, and submitted on a former day of the present term, and the Court being now sufficiently advised in the premises, said motion; It is therefore ordered by the Court that said motion be and the same hereby is denied, and the cause be and the same is hereby remanded to the District Court for further proceedings according to law.

Day A. D. 18

Day A. D. 18

[illegible] Kerley is affirmed upon the recordance thereof, the said defendant in error defendant below go hence without day and recover of said plaintiff in error his costs and charges by him about his defence in this behalf expended and the said plaintiff in error defendant below in mercy &c. Therefore it is considered that the judgment of the District Court within and for San Miguel County in this cause be in all things affirmed and held for naught and that the complaint therein be and the same hereby is dismissed with costs and that said defendant in error recover against plaintiff in error its costs herein expended and that execution issue therefor in due form of law.

Opinion Per Curiam. Appeal from District Court San Miguel Co.

Mr. Justice Gabbert delivered the opinion of the court.

This cause having been argued by counsel and submitted for decision the court finds no error in the record and is of the opinion that the judgment of the District Court within and for San Miguel County in this cause should be affirmed with costs and that the complaint therein be and the same hereby is dismissed with costs and that said defendant in error recover against plaintiff in error its costs herein expended and that execution issue therefor in due form of law.

Opinion Per Curiam. Appeal from District Court San Miguel County.

Mr. Justice Gabbert delivered the opinion of the court.

This cause having been argued by counsel and submitted for decision the court finds no error in the record and is of the opinion that the judgment of the District Court within and

231

The Board of County Commissioners

Day A. D. 18

[illegible] having been argued by counsel [illegible] submitted for [illegible] taken under advisement by the Court on a previous day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Mr. Justice Miller, affirming the judgment of the Court below for reasons set forth in the opinion on file, Mr. Associate Justice Bell concurring. It is therefore ordered, adjudged and decreed by the Court that the decree of the First Judicial District Court within and for the County of [illegible] in the cause herein, dismissed; that said defendant recover of said plaintiff error [illegible] and that execution issue for [illegible].

[illegible] on motion of [illegible] Esquire, and upon the Court being fully advised in the premises, [illegible] Esquire duly admitted to practice as an attorney of this Court, [illegible] as Clerk of the First Judicial District Court of the State of Nevada in and for the County of Ormsby, and [illegible] as Deputy Clerk thereof, and [illegible] as Deputy Clerk thereof, and [illegible] as Deputy Clerk thereof

A. D. 18

Day A. D. 18

Guadalupe Thompson: Admx &c
vs.
The Maxwell Land Grant and Railway Company et al,

Error to First Judicial District Court Colfax County

This cause having been argued by counsel, & submitted to be taken under advisement by the Court on a former day of the present term, the Court, being now sufficiently advised in the premises, announced its decision to be in accordance with the opinion of Associate Justice Bell, filed herein on March 31st 1881, reversing the judgment of the Court below & remanding the cause to said Court with instructions that defendants be permitted to plead to the declaration the pendency thereof which was stricken out on exceptions & thereupon to proceed to final hearing & judgment in accordance with the mandate of the Supreme Court of the United States as to proofs: that the said plaintiff in error recover of said defendants in error their costs in this behalf in this Court expended & be taxed & that they have execution therefor.

2/18

Johnson Thompson Plaintiff in Error Appeal from Appellee 2nd Judicial Dis.
vs. Appellate Court
The Maxwell Land Grant & Railway Company et al Defendants in Error

This cause coming on to be heard at this Court on a former day of the present term, this Court being sufficiently advised in the premises announced its decision to be in accordance with the mandate of the Supreme Court of the United States as to proofs: that the said plaintiff in error recover of said defendants in error their costs in this behalf in this Court expended & be taxed & that they have execution therefor.

[illegible] the judgment of the Circuit Court [illegible] recommending this cause to that Court for such proceedings therein as shall comport to law & the opinion therein, & for a mandate, for reasons set forth in the opinion on file, & which is [illegible] concerning. It is therefore ordered by the Court that the judgment in this cause of the Second Judicial District Court of the Territory of New Mexico within & for the County of Bernalillo be & the same is hereby reversed & set aside, & that this cause be remanded to that Court for such proceedings as shall comport to law & the opinion of this Court herein, & that each party pay its own costs.

Thos. Johnson

Present Hon. Nathl. Pitman Associate Justice

No 411 Original Writ of Error

Ordered that Writ of Error issued herein be dismissed for want of prosecution in the Original Action of William H. Brooks, Plff. vs. Jesse D. Divine, Deft. for the Territory of New Mexico, Appellant, & the Territory of New Mexico, Appellee, & the Clerk of this Court is directed to issue the mandate of this Court herein to the Supreme Court of the Territory of New Mexico, requiring said Court to cause the same to be filed in the District Court according to the Constitution & Laws of the said United States, & to direct the said Court, with all the proceedings, & documents in the cause since the issuing of the writ of Error herein, to proceed in the cause according to the rule of the Supreme Court of the United States, & in accordance with the conditions prescribed by Law.

On the motion of Mr. Thomas Catron Esq. these Letters to be issued upon the Appeal bond

Day ..... A. D. 18.....

Seal of the United States to be thereunto affixed.
Given under my hand at the City of Washington, the seventeenth day of April, in the year of our Lord one thousand eight hundred and eighty four, and of the Independence of the United States of America the one hundred and eighth.

By the President.
T. F. Bayard
Secretary of State.

(Seal)

[illegible] Hutchins clerk appointed [illegible] Secretary of the Department Court of [illegible] [illegible] [illegible]

[illegible] the Court a motion duly applied for and had
the Court being more sufficiently advised in
the premises, doth overrule said decision of Honora-
ble Justice Nelson, in sustaining the motion
of the Court below to dismiss this the appeal
of said plaintiff and dismiss said appeal
said Court is asked to reverse said decision
pending in said Court wherein Nelson
J. Hagen is plaintiff and James K Orman is de-
fendant and said James K Orman filed
his petition in said Court on the 9th day
of June A. D. 1873 and caused summons
to be issued thereon which was duly served
on said defendant on the 10th day of June
A. D. 1873 and said defendant appeared
in said Court on the 14th day of June A. D.
1873 and filed his demurrer to said petition
and said demurrer was duly submitted to
said Court and said Court sustained said
demurrer to said petition and said defend-
ant refused to plead further and said
Court rendered judgment against said
defendant and dismissed said petition
at his costs and said defendant excepted
to said decision of said Court and said
Court allowed said defendant thirty days
from June 14th A. D. 1873 within which
to make out and serve his bill of exceptions
and said defendant has failed to make
out and serve his bill of exceptions
within said thirty days and said Court
has refused to extend the time within
which said defendant may make out and
serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 14th A. D.
1873 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant ninety days from August 14th A. D.
1873 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said ninety days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant one hundred and twenty days
from September 13th A. D. 1873 within which
to make out and serve his bill of exceptions
and said defendant has failed to make
out and serve his bill of exceptions
within said one hundred and twenty days
and said Court has refused to extend the
time within which said defendant may make
out and serve his bill of exceptions and
said defendant excepted to said decision
of said Court and said Court allowed said
defendant one hundred and eighty days
from January 11th A. D. 1874 within which
to make out and serve his bill of exceptions
and said defendant has failed to make
out and serve his bill of exceptions
within said one hundred and eighty days
and said Court has refused to extend the
time within which said defendant may make
out and serve his bill of exceptions and
said defendant excepted to said decision
of said Court and said Court allowed said
defendant two hundred and ten days
from July 10th A. D. 1874 within which
to make out and serve his bill of exceptions
and said defendant has failed to make
out and serve his bill of exceptions
within said two hundred and ten days
and said Court has refused to extend the
time within which said defendant may make
out and serve his bill of exceptions and
said defendant excepted to said decision
of said Court and said Court allowed said
defendant sixty days from February 6th A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from April 7th A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from June 6th A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from August 5th A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from October 4th A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from December 3rd A. D.
1875 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from February 1st A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from April 1st A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 31st A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 31st A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 30th A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 29th A. D.
1876 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 28th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 29th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 28th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 27th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 26th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 25th A. D.
1877 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 24th A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 25th A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 24th A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 23rd A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 22nd A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 21st A. D.
1878 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 20th A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 21st A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 20th A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 19th A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 18th A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 17th A. D.
1879 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 16th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 16th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 15th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 14th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 13th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 12th A. D.
1880 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 11th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 12th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 11th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 10th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 9th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 8th A. D.
1881 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 7th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 8th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 7th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 6th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 5th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 4th A. D.
1882 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 3rd A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 4th A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 3rd A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 2nd A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 1st A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from October 31st A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from December 30th A. D.
1883 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 29th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 29th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 28th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 27th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 26th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 25th A. D.
1884 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 24th A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 25th A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 24th A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 23rd A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 22nd A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 21st A. D.
1885 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 20th A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 21st A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 20th A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 19th A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 18th A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 17th A. D.
1886 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 16th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 16th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 15th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 14th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 13th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 12th A. D.
1887 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 11th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 11th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 10th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 9th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 8th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 7th A. D.
1888 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 6th A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 7th A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 6th A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 5th A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 4th A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 3rd A. D.
1889 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 2nd A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 3rd A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 2nd A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 1st A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from August 31st A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from October 30th A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from December 29th A. D.
1890 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 28th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 29th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 28th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 27th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 26th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 25th A. D.
1891 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 24th A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 24th A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 23rd A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 22nd A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 21st A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from November 20th A. D.
1892 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from January 19th A. D.
1893 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from March 20th A. D.
1893 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from May 19th A. D.
1893 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from July 18th A. D.
1893 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exceptions within said sixty days and
said Court has refused to extend the time
within which said defendant may make out
and serve his bill of exceptions and said
defendant excepted to said decision of
said Court and said Court allowed said
defendant sixty days from September 17th A. D.
1893 within which to make out and serve
his bill of exceptions and said defendant
has failed to make out and serve his bill
of exce

Day A. D. 18

Perfecto Arriaga, Appellee
vs.
The Board of County Commissioners of Bernalillo County, Appellant

Appeal from Second Judicial District.

No

This cause having been submitted to the Court, taken under advisement, by the Court on a former day of the present term, the Court now being sufficiently advised in the premises, announced its decision by Associate Justice Wilson affirming the judgment of the Court below, for reasons set forth in its opinion on file, all the members of the Court concurring; It is therefore ordered, adjudged and decreed by the Court that the decree of the Second Judicial District Court of the Territory of New Mexico within and for the County of Bernalillo be and the same hereby is affirmed and

Perfecto Armijo, Appellee
vs.
Santiago Baca, Appellant

Appeal from Second District

No

This cause having been submitted to the Court under advisement by the Court on a former day of the present term; the Court, being now sufficiently advised in the premises announced its decision by Associate Justice Wilson, affirming the decree of the Court below, for reasons set forth in its opinion on file, Chief Justice Axtell concurring; It is therefore ordered, adjudged and decreed by the Court that the decree of the Second Judicial District Court of the Territory of New Mexico within and for the County of Bernalillo be and the same hereby is affirmed and

Day ..... A. D. 18....

that an averment thereof in the information prayed for in the said bill be put in the power thereby intended to be created: upon which said complainant & respondent joined issue: & which said complainant & respondent, by their solicitors respectively agreed to be tried upon the hearing of the said cause: & it appearing that the defendant has appeared, & filed his answer to the said bill of complaint: & it appearing that no replication has been filed to the said answer: & it appearing that the said complainant & respondent have severally examined their witnesses in this cause: & it appearing that the said witnesses have been examined before the Examiner of this Court: & it appearing that publication has been duly passed

Day ..... A. D. 18 .....

Here comes John H. Wolfrey, Esquire, and Counsellor at Law, solicitor and counsellor of this Court, and moves the Court to admit Benjamin W. Reed, Esquire, to practice in this Court, and representing to the satisfaction of this Court that the said Benjamin W. Reed, has been duly admitted to practice as attorney, solicitor and counsellor of the Supreme Court of this Territory; It is ordered by this Court that the said Benjamin W. Reed, Esquire, be and he is hereby admitted to practice as attorney, solicitor and counsellor of this Court.

It is ordered that the following allowances be and they hereby are made to officers of the Court and others:

(1st) Hon. S. W. Marshall	Judge attendance	$250.00
(Clk. Phillips, Clerk	" "	250.00
(Clk. Phillips, Clerk, keeping opinion for 1894	Half of the term.	75.00
(Clk. Phillips "	" Special bonds & Sheriff's bonds	1.35.00
(Clk. Phillips "	Terms held for Feb and for Court,	17.50
(Clk. Phillips "	25 days attendance to be paid by Territory	100.00
Reporter Martin,	Sheriff's Santa Fe County bonds	1100.

Petition & bill of [illegible]

[illegible]

[illegible]

[

124 Jesus Maria Lima et al. Appellees. Appeal from
(1). District Ct.
Paul Wilson, Appellant Cruz
It appearing to the Court that a
rule was entered in this cause on a former
day of the present term upon Intervening Lama,
Sheriff of Valencia County, requiring him to
forthwith return the execution thereto upon is-
sued herein, or to show cause before this Court
on this day why he had not so returned
the same, and it further appearing that the
said Sheriff was duly served with a copy
of said rule on April 16, 1880, and that he has
not so returned said execution, and that he
does not now appear to show cause as afore-
said, It is ordered that an attachment issue
directed to the United States Marshal
directed to for the arrest of said Intervenir Lama
returnable on the first day of the next term
of this Court, and that the Marshal be and he
hereby is authorized to take bail of said
Intervenir Lama in the sum of one thousand
dollars.

It is ordered that the Court do now adjourn
sine die

Chief Justice

Associate Justice

Associate Justice

..... Day ..... A. D. 18.....

At Santa Fé, N.M. May 25. 1885.

Present:

The Honorable Samuel Bakewell, Chief Justice of the Supreme Court of the Territory of New Mexico

C.M. Phillips, Clerk.

2103 Nestor J. Armijo et al
vs.
Pablo Gallegos DeCubero

Appeal from First Judicial District, San Miguel County.

In this cause the above named plaintiffs in error having sued out a writ of error from the Supreme Court of the United States to this Court to reverse the judgment of this Court heretofore rendered, and it having been duly made to appear to this Court by the return of said writ of error, duly made to this Court by the Clerk of the Supreme Court of the United States, that the costs in said cause have been duly paid as by the statute of the United States in such case made and provided, and citing the defendant in error to appear before the Supreme Court of the United States, there to do and receive upon the hearing of the writ of error in said cause as to the said Supreme Court of the United States shall seem meet, and it appearing to this Court that the citation in said cause has been duly served on the defendant in error, more than thirty days before the return day thereof, and the defendant in error having failed to appear, and the plaintiffs in error having filed their assignments of error in this Court, and the Court having duly considered the same, it is ordered that the judgment of this Court heretofore rendered in this cause be and the same is hereby reversed, and that further proceedings upon the judgment of this Court in this cause shall be stayed until the further order of the Supreme Court of the United States in that behalf.

It is further ordered that the Sheriff of the County of San Miguel, in the Territory of New Mexico, and the Sheriff of the County of Santa Fé, in the Territory of New Mexico, and all other officers of the Territory of New Mexico and each of them, be and they are hereby commanded to execute and return this writ.

Samuel Bakewell
Chief Justice Supreme Court of the Territory of New Mexico

Day A. D. 18

At Santa Fé, New Mexico, Wednesday, June 10, 1885

Present:
The Honorable William A. Vincent,
Chief Justice of the Supreme Court of the Territory of New Mexico
U. S. Phil. Chase, Clerk of said Court.

Now come the Honorable William A. Vincent, Chief Justice of the Supreme Court of the Territory of New Mexico in pursuance to this Commission as Chief Justice, and took said oath in the manner and form as required by law.

Certificate of U. S. Clerk of Supreme Court
Territory of New Mexico
To wit:

I, Philip Chase, Clerk of the Supreme Court of the Territory of New Mexico, do hereby certify that the foregoing is a true and correct copy of the original Commission issued by the President of the United States to William A. Vincent, as Chief Justice of the Supreme Court of the Territory of New Mexico, and of the oath of office indorsed thereon, as appears of record in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Supreme Court, at the City of Santa Fé, this 10th day of June, A. D. 1885.

Philip Chase,
Clerk.

Seal of the Supreme Court Territory of New Mexico

Commission

Executive Department
United States of America

To all to whom these presents shall come, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Integrity and Learning of William A. Vincent of New Mexico, I do appoint him Chief Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States. And to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto him, the said William A. Vincent, until the end of the next session of the Senate of the United States, and no longer; subject to the conditions prescribed by law.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington the Eleventh day of May, in the year of our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

Grover Cleveland

By the President,
T. F. Bayard
Secretary of State.

United States of America }
Territory of New Mexico } ss.
County of Santa Fe }

I, William A. Vincent, having been appointed to the office of Chief Justice of the Supreme Court of the Territory of New Mexico, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as such Chief Justice of the Supreme Court of the Territory of New Mexico, according to the best of my ability and understanding agreeably to the Constitution and laws of the United States, and the laws of said Territory so enacted.

William A. Vincent.

Subscribed and sworn to before me this eighth day of June, in the year of our Lord, one thousand eight hundred and eighty five.

Saml. A. Lynch,
Secretary of the Territory.

Office of the Secretary of the Territory
Santa Fe June 9, 1885.

Territory of New Mexico — ss.

I do hereby certify that the foregoing commission and oath of office have been duly recorded and examined in the office of the Secretary of the Territory.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the Territory to be affixed, the day and year above written.

(Seal of the Territory)

Saml. A. Lynch.
Secretary of the Territory.

Day A. D. 18

[illegible]

[illegible]

[illegible]

Day ..... A. D. 18.....

United States of America }
Territory of New Mexico }
County of Santa Fe } ss.

William B. Fleming, having been appointed to the office of Associate Justice of the Supreme Court of the Territory of New Mexico do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion and that I will administer justice without respect to persons and do equal rights to the poor and the rich and that I will faithfully and impartially discharge and perform all the duties incumbent on me as such Associate Justice of the Supreme Court of the Territory of New Mexico, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States and the laws of the Territory. So help me, God.

Wm B Fleming.

Sworn and subscribed to before me this twenty second day of July in the year one thousand, eight hundred and eighty five.

Wm A Pricket.
Chief Justice of the Territory

Office of Secretary of the Territory.
Santa Fe. N.M. July 22. 1885.

New Mexico ss.

I do hereby certify that the foregoing commission and oath of office have been duly recorded and entered of record in the office of the Secretary of the Territory.

In testimony whereof I have hereunto set my hand and caused the Great seal of the Territory (Seal Secretary's Office N.M.) to be affixed the day and year above written.

Wm A. Lowe.
Secretary of the Territory

Day A. D. 18__

Day A. D. 18

to the office of Associate Justice of the Supreme Court of the Territory of New Mexico, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will administer Justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as such Associate Justice of the Supreme Court of the Territory of New Mexico according to the best of my ability and understanding agreeably to the Constitution and Laws of the United States and the Laws of the Territory. So help me God.

William F. Henderson.

Sworn to and subscribed before me this third day of November A. D. 1885

[illegible] my hand and the Seal of Office the day and year above written.

[illegible]

[illegible] Supreme Court of New Mexico.

[illegible]

[illegible]

[illegible]

Day ..... A. D. 18.....

[illegible] and faithfully discharge the duties of the office
on which I am about to enter, so help me
God.

Thomas Smith

Sworn to and subscribed before me this second
day of December, A.D. 1933.
(Seal Santa Fe, New Mexico) Neill Case.
Secretary Secretary of New Mexico.

Day A. D. 18

At Santa Fe, New Mexico, October Second, 1855

A record describing the place of Holding the Court in the Second Judicial District of the Territory of New Mexico.

In a meeting of the Judges of the Supreme Court of the Territory of New Mexico, convened at Santa Fe, the Seat of Government of the said Territory of New Mexico on this, the Second day of October, A.D. 1855. there being present at such meeting, Chief Justice Kirby Benedict and Associate Justice, Slack being the Judges constituting a majority of the Judges of said Court, it is ordered that from and after this date the Court in the Second Judicial District of the Territory of New Mexico shall be held at the respective Counties of the terms of said Court as prescribed, that is to say at Santa Fe in Santa Fe County, at Albuquerque in Bernalillo County, at Valencia in Valencia County, at Socorro in Socorro County, at Mesilla in Doña Ana County, and at Messilla in Doña Ana County, on the first Monday in October, next ensuing, and that the Court shall be held at Albuquerque in Bernalillo County, on the first Monday in November, next ensuing, and that the Court shall be held at Valencia in Valencia County, on the first Monday in December, next ensuing, and that the Court shall be held at Socorro in Socorro County, on the first Monday in January, next ensuing, and that the Court shall be held at Mesilla in Doña Ana County, on the first Monday in February, next ensuing, and that the Court shall be held at Messilla in Doña Ana County, on the first Monday in March, next ensuing.

Slack,
Kirby Benedict
Chief Justice
Associate Justice.

Day

A. D. 18

Day A. D. 18

has been duly admitted to practice as an attorney and counsellor in the First Judicial District Court of this Territory: It is ordered by the Court that the said Francis A Bryan be and he hereby is admitted to practice as an attorney solicitor and counsellor in this Court, whereupon the oaths as such Court and subscribed the roll of attorneys prescribed by the rules.

Ordered that Thomas Brecken Esquire, and Thomas A. Leonard be admitted to practice in this Court, & C. Which Brecken and Leonard are duly admitted accordingly & thereupon & an attorney solicitor & counsellor in the First Judicial District Court of this Territory & ordered by the Court that the said & C. Brecken & Leonard be & they are hereby admitted to practice as attorneys solicitors & counsellors in this Court & thereupon the oaths as such & subscribed the roll of attorneys prescribed by the rules.

[illegible] duly admitted to practice as attorneys solicitors & counsellors in this Court & thereupon the oaths as such & subscribed the roll of attorneys prescribed by the rules.

[illegible] duly admitted to practice as attorneys solicitors & counsellors in this Court & thereupon the oaths as such & subscribed the roll of attorneys prescribed by the rules.

[illegible] duly admitted to practice as attorneys solicitors & counsellors in this Court & thereupon the oaths as such & subscribed the roll of attorneys prescribed by the rules.

[illegible] duly admitted to practice as attorneys solicitors & counsellors in this Court & thereupon the oaths as such & subscribed the roll of attorneys prescribed by the rules.

Day A. D. 18

Second Day Tuesday January Fifth A. D. 1886.

adjourned to become a regular adjourned Term.

It is ordered that the Court do now adjourn until ten o'clock tomorrow morning.

Second Day

Court meets pursuant to adjournment.

Court is open. Yesterday

the record of yesterday's proceedings is read and approved.

The State of New Mexico Railroad } Error to
Co. Plaintiff in Error } Dist. Court
vs. } Santa Fe County.
James M. Crumpacker }

The State of New Mexico Railroad } Error to
Co. Plaintiff in Error } Santa Fe
vs. } County.
James M. Crumpacker }

It is ordered that the foregoing cause be docketed for hearing on the second Thursday of April A.D. 1886 and that defendant in error file their brief on or before said day and that plaintiff in error file reply brief on or before the second Saturday in May A.D. 1886.

1) The U. S. Telegraph Co. Appellant } Appeal
vs. } from Dist.
Delia A. Cutler Appellee } Court Santa
Fe County.

The U. S. Telegraph Co. Appellant } Appeal
vs. } from Dist.
Delia A. Cutler Appellee } Court Santa
Fe County.

It is ordered that the foregoing cause be docketed for hearing on the second Thursday of April A.D. 1886 and that appellant file their brief on or before the second Saturday in May A.D. 1886 and that appellee file their brief on or before the second Saturday in June A.D. 1886.

2) The U. S. Telegraph Co. Appellant } Appeal
vs. } from Dist.
Delia A. Cutler Appellee } Court Santa
Fe County.

It is ordered that the foregoing cause be docketed for hearing on the second Thursday of April A.D. 1886 and that appellant file their brief on or before the second Saturday in May A.D. 1886 and that appellee file their brief on or before the second Saturday in June A.D. 1886.

3) The U. S. Telegraph Co. Appellant } Appeal
vs. } from Dist.
Delia A. Cutler Appellee } Court Santa
Fe County.

It is ordered that the foregoing cause be docketed for hearing on the second Thursday of April A.D. 1886 and that appellant file their brief on or before the second Saturday in May A.D. 1886 and that appellee file their brief on or before the second Saturday in June A.D. 1886.

216

Record Day Tuesday January 9th A. D. 1866

It is ordered that this cause be and hereby is set down for argument at the commencing of Court on the second Tuesday of the present term.

219 United States of America Appellee } Appeal from
vs } U. S. District
William Bowman Appellant } Court.

It is ordered that this cause be and hereby is set down for hearing on the petition of said appellant for a rehearing herein at the commencing of Court on the third Tuesday of this term.

231 Charles Douglass, Appellee } Appeal from
vs } Circuit Court
Charles H. Sevier et al. Appellants } Pulaski County.

It is ordered that this cause be and hereby is set down for argument at the commencing of Court on next Thursday morning.

239 John A. Lamp, Marshal &c Appellee } Circuit Court.
vs } Decatur County.
Thomas Chase et al Appellants }

This cause coming on to be heard upon the motion of Appellee to dismiss the appeal herein for want of jurisdiction, Thomas Chase, Francis M. Chase and Charles H. Ketchersides Esquire, It is ordered that the Sheriff of Decatur County be and he is hereby commanded to take the bodies of said Thomas Chase, Francis M. Chase and Charles H. Ketchersides Esquire, and them safely have before this Court on next Monday the fifth day of this term thereof to answer for their contempt in disobeying the writ of supersedeas heretofore issued herein.

227 San Marcial &c Improvement } Appeal from
Company et al Appellants } District Court,
vs } Socorro County.
Robert M. Stapleton Appellee }

It is ordered that the time for said appellees to file their brief herein be and the same hereby is extended until the commencing of Court on the second Wednesday of this term with leave to said appellees to file their brief on the first day of this term.

Lambert Ilfeld Appellant } Appeal from
vs } District
Valentine Schierbaum Appellee } Court.

Second Day Tuesday January 5th A. D. 1836.

It is ordered that the cause concerned the same hereby is set down for hearing at the commencing of Court on next Monday morning.

933 Wm. W. H. Hall, Plaintiff in Error, vs. Lockhart's Company, Defendant in Error } In Error to District Court San Miguel County

Now comes said plaintiff in error by his attorney, J. H. Crocker, Esquire and says to the Court here that he will not further prosecute his said writ of error but does release the same, Whereupon it is therefore considered by the Court that said defendant in error go hence without day and recover of said plaintiff in error his costs in this behalf expended & have and execution thereof.

Hugh McNamara, Plaintiff in Error, vs. Ira Ingalls et al, Defendants in Error } In Error to Bernalillo County

Now on this day Messrs Hereford & Spencer attorneys for plaintiff in error by their motion dismiss the cause whereupon it is ordered that the same be hereby set down for argument at the commencement of Court on next Tuesday morning.

933 Wm. H. Hallenbeck et al, Appellants, vs. Appellees. } Error to District Court San Miguel Co.

Now came the parties by their attorneys and dismissed the cause whereupon it is ordered that the same be hereby dismissed at the costs of the appellants.

Charles Blake, Plaintiff in Error, vs. Wolfe, Defendant in Error. } In Error to Valencia County.

Now came said plaintiff in error by his attorney, J. H. Crocker, Esquire and moves the Court for leave to withdraw his writ of error heretofore sued out herein, which motion is granted.

(1) Wm. Hallenbeck, Plaintiff in Error, vs. Defendant in Error. } In Error to District Court San Miguel Co.

Now came said plaintiff in error by his attorney, J. H. Crocker, Esquire and moves the Court for leave to withdraw his writ of error heretofore sued out herein, which motion is granted.

A. D. 1846

Day A. D. 18

ordered that the same be and the same is hereby
stricken off the docket at the cost of the plaintiff
for want of prosecution.

251 Ill. Ill. Circuit Court ... October Term A. D. 1855.
Charles ... Trespass on the case. Appearance ... County.
Now ... the ... day ... by his
Solicitors ... Defendant ... Plea ...
Especial ... Issue ... Replication ... Rejoinder ... Issue
thereupon ... Jury ... Verdict ... that the
Defendant ... Judgment ... Costs ... Ordered
...

252 James ... Circuit ... Term ... Term
Adam ... Trespass ... Term ... County
by ... Plea ... Issue ... Verdict ... Jury
... Judgment ... Costs ... Ordered
that the Defendant ... Judgment ... Costs ... Ordered
... Jury ... Verdict ... Defendant

Second Day Second Sunday January 16th A. D. 1881

D.S.

The People of the State of Illinois Appellee
vs. Appeal
Nicholas N. Armgechtel Appellant From Scott County

Now comes said defendant in person and by his attorneys, H. B. Cartwright and Wm. Brinkerhoff and asks leave to withdraw his appearance herein, which is ordered by the Court that leave be and hereby is granted and it is ordered by the Court that this cause be continued to the morning of Court on the Second Thursday of the present term.

D.C.

Secretary of Illinois Mutual Life Ins. Co. Appellee
vs. Appeal
Lewis W. Ledyard, Appellant From Scott County

Now comes said plaintiff by his attorneys, Post & Green and moves the Court for leave to withdraw his appearance herein, which motion is granted and said appellant is hereby given ten days in which to file his abstract of record herein, and that said appellee have ten days after the service of such abstract in which to file additional abstract of record, and that this cause be continued to the morning of Court on the second Thursday of the present term.

D.S.

The People of the State of Illinois Appellee
vs. Appeal
Lewis Ledyard Appellant From Scott

Now comes said appellant by his attorneys, Post & Green and moves the Court for leave to withdraw his appearance herein, which motion is granted by the Court; and the said appellant is hereby given ten days in which to file additional abstract of record herein, and that the said appellee have ten days after the service of such abstract in which to file additional abstract of record, and that this cause be continued to the morning of Court on the second Thursday of the present term.

D.S.

The C. B. & Q. R. R. Co. Appellant
vs. Appeal
Lewis Ledyard Appellee From Scott

Now comes said appellee by his attorneys, Post & Green and moves the Court for leave to withdraw his appearance herein, which motion is granted by the Court; and the said appellee is hereby given ten days in which to file additional abstract of record herein, and that the said appellant have ten days after the service of such abstract in which to file additional abstract of record, and that this cause be continued to the morning of Court on the second Thursday of the present term.

Second Day Tuesday January 9th A. D. 1816

the brief thereon. Whereupon this cause is ordered hereto
to set down for argument at the instance of
Counsel on the Second Saturday of the next
Term.

The Southern Circuit Court Appeal
Daniel Chesnut Plaintiff & Appellee from Third
vs Circuit.
Jacob Small.
959 Defendant Appellant

This cause coming on to be heard upon the
transcript of the record from the Third Circuit
Court of Pickens District and was argued by
the counsel for the appellant but no counsel
appearing for the appellee the Court is
unanimously of opinion that there is no error
in the decree of the said Circuit Court in this
cause and do order that the decree of the said
Circuit Court be affirmed with costs.

Southern Circuit Court Appeal
Thomas Williams Plaintiff & Appellee from Greenville
vs Circuit.
Jesse Williams Defendant & Respondent

This cause coming on to be heard upon the
transcript of the record from the Circuit Court
of Greenville District and was argued by the
counsel for the appellant but no counsel appearing
for the appellee the Court is unanimously of opinion
that there is no error in the decree of the said
Circuit Court in this cause and do order that the
decree of the said Circuit Court be affirmed with
costs.

963 Southern Circuit Court Appeal
John Vincent Plaintiff & Appellee from Greenville
vs Circuit.
Thomas Vincent Defendant & Respondent

This cause coming on to be heard upon the
transcript of the record from the Circuit Court
of Greenville District and was argued by the
counsel for the appellant but no counsel appearing
for the appellee the Court is unanimously of opinion
that there is no error in the decree of the said
Circuit Court in this cause and do order that the
decree of the said Circuit Court be affirmed with
costs.

Southern Circuit Court Appeal
Edward Storrs Plaintiff & Appellant from Barnwell
vs District.
Edward Storrs Defendant & Appellee

This cause coming on to be heard upon the
transcript of the record from the District Court
of Barnwell District and was argued by the
counsel for the appellant but no counsel appearing
for the appellee the Court is unanimously of opinion
that there is no error in the decree of the said
District Court in this cause and do order that the
decree of the said District Court be affirmed with
costs.

Day A. D. 18

the next Saturday morning.

Jefferson Reynolds, etal, Appellees, } Appeal
vs. } from Bernard
Abraham Stark, etal, Appellants. } Circuit.

This cause coming on to be heard upon the appellees motion to dismiss the appeal herein for want of prosecution & the appearance thereof & it appearing to the Court that said cause should be set down for argument at the commencement of Court on the second Saturday of this term.

It is therefore considered by the Court that the appellees motion to dismiss the appeal herein be sustained & that the appeal herein be dismissed at the appellants cost.

William H. Talbott, Appellant, } Appeal
vs. } from Harford
Joel Cox & Talbott, Appellees. } Circuit Court.

This cause coming on to be heard upon the appellees motion to dismiss the appeal herein for want of prosecution & the appearance thereof & it appearing to the Court that the appellees motion to dismiss the appeal herein should be sustained & that the appellants cost should be paid by the appellants.

It is therefore considered by the Court that the appellees motion to dismiss the appeal herein be sustained & that the appellants cost be paid by the appellants.

Richard Stevens, Appellant, } Appeal
vs. } from Third
Richard Stevens, Appellee. } District
Court.

This cause coming on to be heard upon the appellees motion to dismiss the appeal herein for want of prosecution & the appearance thereof & it appearing to the Court that the appellees motion to dismiss the appeal herein should be sustained & that the appellants cost should be paid by the appellants.

It is therefore considered by the Court that the appellees motion to dismiss the appeal herein be sustained & that the appellants cost be paid by the appellants.

The Mechanics Bank of Baltimore, Appellees, } Appeal from
vs. } Circuit
Court
for Baltimore
City.

This cause coming on to be heard upon the appellees motion to dismiss the appeal herein for want of prosecution & the appearance thereof & it appearing to the Court that the appellees motion to dismiss the appeal herein should be sustained & that the appellants cost should be paid by the appellants.

It is therefore considered by the Court that the appellees motion to dismiss the appeal herein be sustained & that the appellants cost be paid by the appellants.

..... Day ..... A. D. 18.....

On motion of Eugene N. Lewis, Esquire, It is ordered by the Court that E. D. Leonard Esquire, one of Attorneys of the First Judicial District Court of Nevada, be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court.

On motion of W. I. Thornton, Esquire, It is ordered that J. Warren Spring, an attorney of the Third Judicial District Court of the State of Nevada, be and he is hereby admitted to practice as an attorney, solicitor and counsellor in this Court and he thereupon appeared and took the official oath prescribed by the rules of the Court.

On motion of Flesher & Leonard, It is ordered that Frank Pixley, be and he is hereby admitted to practice as an attorney, solicitor and counsellor in this Court and he thereupon appeared and took the official oath prescribed by the rules of this Court.

John Good, Appellant, vs. Error to
Richard F. Crabtree, Jas. Williard Co,
Respondent. defendant in error by his attorney, J. C. Bryan
Esq. said plaintiff in error having filed & caused to be filed in the office of the Clerk of this Court his praecipe for the transcript of the record & proceedings in the cause, the said defendant in error by his attorney, J. C. Bryan Esq. moves the Court to dismiss the appeal of said plaintiff in error from the record herein for the reason set forth in the notice of motion on file. Said motion, being argued & submitted to the Court, the Court now being sufficiently advised in the premises takes the same under advisement.

276 C. H. Miller, Appellant, vs. Hubert Harrington, Respondent. Appeal from Ormsby County. Upon motion of Said plaintiff in error having failed to file in the office of the Clerk of this Court ten days before the first day of the term to which the cause is returnable a transcript of the record & proceedings in the cause, the said appellant moves for an order of this Court allowing such transcript, by which it appears that an appeal was allowed herein & moves the Court to be permitted to docket this cause & to affirm the judgment of the Court below with ten per cent damages on the amount thereof & said motion being argued & submitted to the Court, the Court takes the same under advisement. It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Third Day Wednesday January 24th A.D. 1816

Third Day (Wednesday January 6th A. D. 1886

Board of County Commissioners of Socorro County } Error
(a). } to Socorro
Jesus S. Sandoval et al. Defendants in error } County
Now come said defendants in error by their
attorney and suffer a rule and enter
their appearance herein. And it appearing to the
Court that the transcript of record returned by the
Clerk of the District Court of Socorro County, as missing
from the files. It is ordered by the Court that
leave be and hereby is given to said plaintiff in
error to supply a transcript of record in this
cause in place of the one missing from the files.

Hugh S. McManus, Plaintiff in Error } Error
vs. } to Bernalillo
Chauncey M. Morris and Morris Fleming and Company, } County.
Defendants in Error }

The Atlantic and Pacific Railroad Company } Petition
(a). } for Writ of Pro-
Petitioner } hibition

It is ordered that the petition herein be set down for consideration at the sitting of Court on the third Monday of the present term.

Board of County Commissioners of Valencia } Error.
County et al } to Bernalillo
Defendants in Error } County.

It is ordered that the leave for said defendant to serve it's petition for writ of error heretofore granted in this cause be extended to the sitting of Court next hereafter, provided that the cause be set down for argument at the sitting of Court on the third Wednesday of the present term,

Appeal from Bernalillo County.

Alpheus H. Rudulph, Appellant. } Appeal
vs. } from Bern-
Clara J. Slaven Appellee } alillo County.

It is ordered that this cause be and hereby is extended to the sitting of Court next hereafter, provided that this cause be set down for argument at the sitting of Court on the third Wednesday of the present term.

First Day Wednesday January Sett A. D. 18 16

usually referred to as the premises, in said motion;
It is therefore considered and adjudged by the Court
that the judgment in the cause of the Third Judicial
District Court within and for the County of Grant, wherein
the cause came into this Court to be by the same hereby
is affirmed in all in accordance therewith; the said
plaintiffs in error, William Lee Thompson and
George F. Bell, sureties of the said defendants,
Jerry Dudley, Martelle Nunn, Hector Olguin and Ramon
Ornelle the possession of the following described
premises, to wit: The South east quarter of the North
west quarter and the east half of the southwest quar-
ter of section No. 7 in township No. 19 South of
Range No. 16 East of the Mendian of Blue Mountain,
containing one hundred and twenty acres; and that
they have a writ of possession therefor; and also
that said plaintiffs in error recover of
the said (1) Spalding, (2) Cohee and John Bell,
sureties on appeal, their costs and charges
expended in and about the prosecution of
this cause, and
costs and that they have
execution therefor.

Marion Walker, Appellant
vs.
Lucien Marriage, Appellee

} Appeal from
} Grant County

Now on this said day of argument came the appellee
by the attorneys John L Vail, Esquire, and filed
the stipulation of said parties in the cause
signed by Messrs. Elliott, Nelson
Bingham for said appellee and by John L Vail, Esq.
Bingham for said appellee, by which it
is agreed that the said appellee recover of
the said appellant his costs and charges
in this behalf expended to be taxed by the Clerk
of this Court without argument upon
transcript of record herein and that the judg-
ment of the Court below be affirmed, and mod-
ified the Court to affirm the judgment of the Court

Day

A. D. 18__

Third Day Wednesday January 3rd A. D. 1816

Now comes Michael Macheboeuf, citizen, and makes application to be admitted to become a citizen of the United States: and it being made to appear to the satisfaction of the Court that more than five years since the said Michael Macheboeuf declared on oath before the Clerk of the Third Judicial District Court of the Territory that it was bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to the Republic of France, of which he was a citizen: and it being further made to appear to the satisfaction of the Court by the testimony, under oath of Ill. Hess & Durand and Wm Blaney, citizens of the United States, that the said Michael Macheboeuf, has resided within the United States for years at least and within the Territory of New Mexico one year at least and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, & the said Michael Macheboeuf declaring on oath that he will support the Constitution of the United States and that he renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly to the Republic of France, of which he was a citizen. It is ordered by the Court that the said Michael Macheboeuf be and he is hereby admitted to become a citizen of the United States.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fifteenth Day Thursday January 1st A. D. 18[illegible]

Fifth Day Friday January 9th A. D. 18 51

Court met pursuant to adjournment

Present the Hon. Presiding Justice.

The minutes of yesterdays proceedings were read & approved.

On motion of Henry Keeler Esquire attorney for the Court, it is ordered that A.B. Elliott, Esquire the attorney solicitor for the commonwealth in this Judicial District be admitted to practice as such attorney in this Court upon the usual terms upon the expiration of one year from the time he was admitted to practice as such attorney in the Supreme Court of this State provided by the rules of the Court.

It is ordered that the Court do now adjourn to meet tomorrow morning at nine o'clock.

Day A. D. 18

Seventh Day Monday January 11th - A. D. 1886

Seventh Day.

Court meets pursuant to adjournment

Sealed ex-parte Saturday

Minute record of Saturday's proceedings is read and approved.

The Territory of New Mexico
vs.
John Hennessy et al

Appeal from
San Miguel County

It is ordered that this cause be set down for hearing on the motion of said defendant for a re-hearing herein.

In the matter of the claim for reconsideration of the Territory

This matter having been argued at former terms of this Court and taken under advisement by the Court, the same is now overruled and the Court is of the opinion that the Territory of New Mexico is entitled to the relief prayed for in its petition herein. It is therefore ordered by the Court that the Territory of New Mexico do have and recover of the defendants herein the sum of Twenty Thousand Dollars, with interest thereon at the rate of six per cent per annum from the 1st day of January A. D. 1882 and its costs herein expended.

In the matter of the claim for reconsideration of the Territory

This matter having been argued at former terms of this Court and taken under advisement by the Court, the same is now overruled and the Court is of the opinion that the Territory of New Mexico is entitled to the relief prayed for in its petition herein. It is therefore ordered by the Court that the Territory of New Mexico do have and recover of the defendants herein the sum of Twenty Thousand Dollars, with interest thereon at the rate of six per cent per annum from the 1st day of January A. D. 1882 and its costs herein expended.

Appeal from
San Miguel Co.

It is ordered that the cause be set hereby for hearing on the motion of the defendants for a re-hearing herein.

Appeal from
Bernalillo County

It is ordered that this cause be set hereby for hearing on the motion of the defendants for a re-hearing herein.

Twenty-third Day. Friday, January 6th, A. D. 1854.

935 Thomas Lewis, Appellee : Appeal from
v. : Greenville
Lucius Lewis, Appellee. : Circuit.

Appellee's counsel moves the court to dismiss the appeal herein for the reason that the record herein was not filed in this court within the time required by law, and for the further reason that the record herein does not show that the appellant has given bond and security for the costs of appeal herein.

936. Henry Fisk, Appellant, v. Thomas Fisk, Appellee. Appeal from Greenville Circuit.

Appellant's counsel moves the court to dismiss the appeal herein for the reason that the record herein was not filed in this court within the time required by law.

937 Thomas Lewis, Appellant : Appeal from
v. : Greene County.
Thomas Lewis, Appellant :

It is ordered by the court that this cause be set for the 3rd Thursday in March next for argument at the request of Counsel for the appellant.

938 The Territory of New Mexico : Appeal from
v. : Taos County.
L. J. Rennegan, Appellant :

939 Augustus Rockwell, Appellee : Appeal from
v. : Green County.
Thomas Lewis, Appellant :

It is ordered by the court that this cause be set for the 3rd Thursday in March next for argument at the request of Counsel for the appellant.

940 The Territory of New Mexico : Appeal from
v. : Taos County.
L. J. Rennegan, Appellant :

Eighth Day Tuesday January Twelfth A. D. 1886.

It is ordered that the cause be, and the same is hereby is set down for argument at the morning session of the fourth Monday of the term.

It is ordered that Court do now adjourn until tomorrow morning at ten o'clock.

Eighth Day

Court met pursuant to adjournment.

Present the Hon. Henry Waldo; The Honorable William Breeden, Attorney General of the Territory of New Mexico

Proceedings of yesterday's proceedings is read and approved:

No. 1322. Jan. [illegible] Error to Court [illegible] Error: Court, [illegible] the said Court of Errors having heard counsel on argument of the cause, it is ordered that the judgment of the said Court be affirmed, with costs and damages at the rate of six per cent per annum, and that the plaintiffs in error pay to the defendant in error the costs of this appeal.

No. 1240. Jan. [illegible] Appeal from Court [illegible], Court, [illegible] Appellant [illegible] this cause coming on to be heard and argued by counsel, on consideration whereof it is ordered by this Court that the

Day [illegible] A. D. 18[illegible]

941. John Gold Plaintiff in Error } In Error to
vs. } San Miguel
Leonard S. Robertson, Defendant in Error } County.

The motion of said defendant in error to affirm the said record of the said cause against said plaintiff in error, due the matters on the said record appearing, was this day argued by counsel learned in the law, and on mature consideration had thereof, it is considered by the Court here, that the said judgment of the said District Court, in the said cause, be affirmed, with costs and damages at the rate of ten per centum per annum, for the delay of appeal, and also for the costs and charges by the said defendant in error about his defence herein expended, and also the sum of Three hundred dollars for his damages sustained by reason of the delay of execution of the said judgment by the prosecution of the said writ of error aforesaid, to be levied of the goods and chattels of the said plaintiff in error, and for want thereof, of the lands and tenements of the said plaintiff in error, to be sold by the Sheriff of the County of San Miguel, commanded: And that the Sheriff of the said County of San Miguel, do make execution of this judgment, and do have the same before the Justices of the District Court of the First Judicial District, at the Court House in the City of Santa Fe, on the first Monday of May next, to render unto the said defendant in error the damages aforesaid, and that he have then there this writ.

Thirtieth Day Mutterschaft Session Shelbyville A. D. 1856

Day A. D. 18

ward severally four cents. that the said plaintiffs and appellees, together with their costs in this behalf expended as well in the Court below as in this Court to be taxed by the Clerk thereof.

231 Alexander M. McElligan et al } Error to Jas.
vs } Original County
Thomas J. Cromwell et al Defendants in Error }

This cause coming on to be heard upon the record, assignment of errors and briefs of counsel upon files herein, is argued by Messrs. Steiner and Hogan on behalf of said plaintiffs in error and by Wm. L. Sinnard and John McKinney, Esquires, on behalf of said defendants in error and submitted to the Court and the Court having sufficiently advised of the premises

It is ordered that the judgment of the Court

254 Jesse M. Turner et al appellees. } Appeal from
vs } Lawrence
Jesse M. Turner et al appellants. } County.

It is ordered in this cause by the Court that the judgment of the Court below be and the same is hereby affirmed

It is ordered that the appellees } Appeal from
vs } Jas. McElligott
Thomas Bell et al appellants. } County

This cause coming on to be heard upon the transcript of the record and proceedings and appellees brief and argument of counsel and the Court having duly considered the same it is ordered that the judgment of the Court below be and the same is hereby affirmed with costs and it is further ordered that the said appellees recover against the said appellants their costs herein expended to be taxed by the Clerk of this Court and that execution issue therefor and a certified copy of this order be sent to the Court below for observance

Ninth Day Wednesday January Thirteenth A. D. 1886.

264 J. Francisco Chaves. Appellant } Appeal from
vs. } Valencia County.
Jesus M. Luna, et al. }

It is ordered that this cause be and hereby is set down for argument at the morning of Court on the third Friday of the present term.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Tenth Day

Court met pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings was read and approved.

265 Board of County Commissioners of Socorro County } Error to
vs. } 1st Socorro
Jesus L. Lucill, et al. } County.

It is ordered by the Court that this cause be and hereby is set down for argument at the incoming of Court on the third Friday of the present term.

266 Wm. M. Browning, Appellant } Error to
vs. } Appeal from Probate Court 1st Judicial
Estate of C. R. Browning, deceased, Appellee } District County
This cause coming on to be heard upon the record, Assignment of Errors filed herein, is argued by counsel, by M. G. Catron Esquire on behalf of said appellant and by L. O. Pierce Esquire, on behalf of said appellee, and submitted. On the Record and the Court being sufficiently advised, on the premises, takes the same under advisement.

Tenth Day Thursday January Fourteenth A. D. 1886

Robert Oakley et al, Plff in Error } Error to
vs. } San Miguel
New Mexico Lumber Association, Deft in Error. } 2nd Judl Dist Court

This cause coming on to be heard upon the record, assignment of errors & briefs filed herein, is argued by H.B. Pierce, Esquire, on behalf of said plaintiff in error and by T.B. Catron, Esquire, on behalf of said defendant in Error and submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

Atchison, Topeka & Santa Fe Railroad Company } Error to
vs. Plff in Error } San Miguel
Thomas H Dalton, Defendant in Error } County.

This cause having been argued by counsel & submitted to & taken under advisement by the Court at a former day of the present term, the Court now being sufficiently advised in the premises, announces its decision by Chief Justice Reed, reversing the decision of the Court below & remanding this cause for a new trial & it is ordered & adjudged by the Court that the said defendant in error, Thomas H Dalton, pay to the said plaintiff in error, Atchison, Topeka & Santa Fe Railroad Company, recover of said defendant in error, Thomas H Dalton, his costs in this behalf & in this Court expended to be taxed & that it have execution therefor.

Teresa J Norment, Plaintiff in Error } Error to
vs. } 3rd Judl Dist
Leopold L Norment, Defendant in Error } San Miguel County

It is ordered that this cause be and hereby is dismissed for want of prosecution & the

Day A. D. 18

that the proceedings thereupon had and depending in error; Robert J. Thomas, is entitled to the office of Justice of the Peace and continued for precinct number six in the County of Colfax and Territory of New Mexico for the term ending the thirty first day of December A. D. 1880. and that the records of said J. P. Williams his action in the behalf expended as well in the lower Court as in this Court to be taxed by the Court.

Thomas Santistevan Appellee
vs.
Th. Sanchez & Cuneo del Agua Appellees
Company et al

Error to Santa Fe
County.

This cause coming on to be heard upon the record, and argument of counsel for the appellee by Williams Esquire on behalf of said plaintiff in error, and by Hill Clancy and Fe. Perea Esquires, on behalf of the defendants in error. And it not being expressly ordered by the Court that the judgment of the Court below for costs in this cause be reversed, it is considered by the Court that the judgment in this cause be affirmed with costs.

Charles Fiske et al Appellants
vs.
Thomas Fiske & Cuneo del Agua Appellees
Company

This cause coming on to be heard upon the record, and argument of counsel for the appellants by Fiske and Clancy, it is considered by the Court that the judgment of the District Court in this cause be reversed with costs.

Samuel Lindsey, Appellee
vs.
Thomas Hanmegeil.
Franklin Thompson Company Appellees

Appeal from First Judicial District
Santa Fe County.

This cause coming on to be heard upon the record, and argument of counsel for the appellee by Catron and Clancy, it is considered by the Court that the judgment of the District Court in this cause be affirmed with costs.

Samuel Lindsey, Appellee
vs.
Thomas Hanmegeil.
Franklin Thompson Company Appellees

Appeal from Santa Fe County.

This cause coming on to be heard upon the record, and argument of counsel for the appellee by Catron and Clancy, it is considered by the Court that the judgment in this cause be affirmed with costs.

Day A. D. 18

of the District Court of Bernalillo County be and the same hereby is affirmed with costs in accordance therewith and the said plaintiff in error appellee Bernard Morley, receiver of the said defendant in error appellant The Travelers Insurance Company, the sum of Nine Hundred Dollars, together with interest thereon from the first day of September, 1915, at the rate of six per centum per annum, and his costs in this behalf expended, as well in the Lower Court as in this Court, to be taxed and that the said plaintiff in error have execution therefor; and it appearing to the Court that there is a supersedeas bond in the sum of Nine Hundred Dollars executed by the said plaintiff in error appellee Bernard Morley, receiver of the said defendant in error appellant The Travelers Insurance Company, the sum of Nine Hundred Dollars, together with interest thereon from the first day of September, 1915, at the rate of six per centum per annum, and his costs in this behalf expended, as well in the Lower Court as in this Court, to be taxed and that the said bond be discharged and held for naught and that the said plaintiff in error have execution therefor.

Now comes [illegible] and moves the Court for an order permitting him to withdraw as attorney of record for the defendant in error in the above entitled cause, which motion is granted by the Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Seventh Day Saturday January 16th A. D. 1858

Seventh Day

January Sixteenth.

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

The Texas Santa Fe & Northern Railroad Company, Plaintiffs in Error, vs. Chauncey, Defendant in Error } In Error to Santa Fe County.

It is ordered that the cause be set down for argument at the succeeding term of Court on the third Thursday of the term.

[illegible] vs. [illegible] } In Error to San Miguel County.

[illegible] Court [illegible] argument [illegible] Court, by counsel [illegible] argument [illegible] Court [illegible] the premises, and [illegible] by counsel [illegible] Court [illegible] argument [illegible] Court [illegible] for reasons set forth [illegible] Court [illegible] Thursday [illegible] succeeding [illegible] Court [illegible] the permanent [illegible] this cause [illegible] Court [illegible] Court [illegible] with [illegible] cause [illegible] Court [illegible] Court [illegible] Court

3:246

Day A. D. 18

satisfaction of said judgment be in accordance with upon the judgment against said securities and that the person making such sale report to the Court below his proceedings for confirmation: It is therefore ordered adjudged and decreed by the Court that the judgment and decree in the cause of the First Judicial District Court of the Territory of New Mexico within and for the County of San Miguel, whereon this cause came into the Court be and the same hereby is affirmed and that in accordance therewith there is due to said complainant from said defendants the sum of five hundred and eighty four dollars and eighty two cents with interest thereon from the 30th day of March 1885 at the rate of twelve per cent per annum and that the said premises be sold as in said complainant's bill prayed that the said premises in the bill of complaint herein described and all singular the messuages tenements hereditaments and premises be sold at public auction by or under the direction of Jefferson Raynolds, one of the Special Masters to make such sale; that said sale be made in front of the said premises in the County of San Miguel, that the said Master give notice of the time and place of said sale by publication in some newspaper published in said County, for not less than four weeks; that said sale be made not less than sixty days from the date of this order; that any party in interest in this cause may become the purchaser; that the said Special Master receive and deliver to the purchaser or purchasers on said sale a sufficient deed or conveyance; that out of the moneys arising the said Special Master deduct his necessary and reasonable costs, charges and expenses in making said sale including the publication of said notice, the costs of drawing said deed and the execution thereof, the charges of this report of sale and of the order of confirmation; that he retain in his hands the balance of said moneys to abide the further order of the Court in the premises; that he report said sale to the Court below; that upon the coming in and confirmation of said report of sale and proceedings thereon and upon the complainant's producing the said sum of five hundred eighty four and 82/100 dollars with interest thereon from the thirtieth day of March 1885 at the rate of twelve per cent per annum or so much thereof as the purchase money of said premises will pay, the said Special Master first paying all lawful solicitors the sum of one hundred dollars as solicitors' fee in this cause allowed by the Court for complainant's solicitor and that being admitted by solicitor for defendant to be a reasonable allowance for that purpose; that

Day A. D. 18

Day ..... A. D. 18.....

[illegible] [illegible] [illegible] [

DEJ

A D 18

Fourteenth Day Tuesday January Nineteenth A. D. 1886

Fourteenth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings read & approved.

35 Gregorio Trujillo et al Appellants } Appeal from
vs. } Bernalillo Co.
Nicolas Armijo et al Appellees }

This cause coming on to be heard upon the record, and briefs of said parties, filed herein, & argued by Counsel, & the Court being fully advised in the premises, doth find that there is no error in the record & proceedings of said appellants in the rendition of said judgment & decree appealed from, & that the same should be affirmed with costs.

It is therefore considered by the Court that said judgment & decree appealed from be affirmed with costs & that a mandate issue to the District Court of Bernalillo County, in accordance herewith.

Gregorio Trujillo et al Appellants } Appeal from
vs. } Bernalillo County.
Nicolas Armijo et al Appellees }

This cause coming on to be heard upon the record, and briefs of said parties, filed herein, & argued by Counsel, & the Court being fully advised in the premises, doth find that there is no error in the record & proceedings of said appellants in the rendition of said judgment & decree appealed from, & that the same should be affirmed with costs & that a mandate issue to the District Court of Bernalillo County, in accordance herewith.

It is ordered that Court do now adjourn until ten o'clock A. M. tomorrow morning.

Fifteenth Day Wednesday January Session A. D. 1856

Fifteenth Day.

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

945 Board of County Commissioners } Appeal,
Jefferson County } Affirmed
Atchison Topeka and Santa Fe Railroad }
Company } Appellee } Record.

And now on this day the Court that the appeal be set down for an argument at the succeeding session of the Court

937 James L Crawford Plaintiff in Error } Error to
vs } Leavenworth
Adam J Mayer Defendant in Error } County.

The parties by their attorneys appear and by agreement submitted to the Court the decision of the Court upon the motion to dismiss the petition in error herein, and the Court having duly considered the same, and the briefs of counsel thereon, are of opinion that the motion should be overruled. It is therefore ordered and adjudged by the Court that the judgment in this cause of the District Judicial Court within and for the County of Leavenworth be and the same hereby is affirmed at the costs of plaintiff in error herein. And it is further ordered that the Clerk of this Court certify this decision to the District Court aforesaid, and that execution issue therefor.

256 Petition of Chas Phelps et al. Petition for
C. C. Pub. Highway
vs
Leighton M. Authorities Appellees } County.

Sixteenth Day Thursday January Twenty First A. D. 1836

This cause coming on to be heard upon the record and the briefs of said parties filed herein, as argued by Saml. Sullivan for Pltf & Chalkley Gardner, on behalf of said appellant and by William Preston Esquire on behalf of said appellee.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sixteenth Day

Court met pursuant to adjournment

Present as before appellant

This cause coming on to be heard upon the record and briefs of the parties filed herein, as argued by Saml. Sullivan for Pltf & Chalkley Gardner, on behalf of said appellant and by William Preston Esquire on behalf of said appellee.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Seventeenth Day

Court met pursuant to adjournment

Present as before appellant

This cause coming on to be heard upon the record and briefs of the parties filed herein, as argued by Saml. Sullivan for Pltf & Chalkley Gardner, on behalf of said appellant and by William Preston Esquire on behalf of said appellee.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Seventh Day Wednesday January Seventh A. D. 1846

Seventeenth Day

Court met pursuant to adjournment,

Present as upon yesterday.

The record of yesterdays proceedings is read and approved,

The Territory of New Mexico, Appellee } Appeal from
vs. } Grant County.
M. L. Keiney, Appellant }

It is ordered that this cause be set down for hearing on the motion for rehearing at the opening of Court on next Monday morning,

Territory of New Mexico, Plaintiff in Error } Error to Bernalillo County.
vs.
Antonio Chavez, Defendant }

This cause coming on to be heard upon the motion of Plaintiff in error to dismiss the writ of error herein, and it appearing to the Court that the Defendant in error has been duly served with notice of said motion, and the Court having heard the arguments of counsel for and against said motion, and being fully advised in the premises, it is ordered that said motion be and the same is hereby overruled,

And it appearing to the Court that the Defendant in error has failed to file his brief herein within the time required by the rules of this Court, it is ordered that the writ of error herein be and the same is hereby dismissed at the cost of the Defendant in error, and that the Clerk of this Court issue the proper mandate to the District Court of Bernalillo County in accordance with this order.

And it appearing to the Court that the Appellant in this cause has failed to file his brief herein within the time required by the rules of this Court, it is ordered that the appeal herein be and the same is hereby dismissed at the cost of the Appellant, and that the Clerk of this Court issue the proper mandate to the District Court of Grant County in accordance with this order.

Day A. D. 18

Griffen Esquire a member of the bar of this Court. Second Judicial District by the Secretary. He would be thereby entitled to practice as an attorney, Solicitor and Counsellor in the Courts of this State upon appearing and taking the Judicial oath prescribed by the rules of this Court.

Now comes George H Bond in open Court and applies to be admitted to become a citizen of the United States and it being made to appear to the Court from the testimony of Hon Stephen Gifford that before the Declaration of his intention to become a citizen of the United States he had resided for the space of five years within the limits and under the jurisdiction of the United States and that during that time he has behaved as a man of good moral character attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. It is therefore ordered by the Court that the said George H Bond be and he hereby is admitted to become a citizen of the United States upon his taking the oath prescribed by law for such purpose and filing in the office of the Clerk of this Court a declaration on oath in writing by him subscribed that it is bona fide his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign prince potentate State or sovereignty and particularly to the King of Great Britain and Ireland and it appearing to the Court that the said George H Bond has complied with the requisitions aforesaid it is ordered that he be admitted to become a citizen of the United States.

It is ordered that the Court do now adjourn until to morrow morning at ten o'clock.

Eighteenth Day.

Court met pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

The Penn Mutual Life Insurance Company, Plaintiff in Error vs. Florida Southern Railroad Company, Defendant in Error } Error to Duval County,

It is ordered that this cause be and hereby is set down for argument until the coming of Court on next Monday morning.

The Florida Central & Peninsular Railroad Company, Appellant vs. The Florida Railroad Company, Appellee } Appeal from Duval County

This cause coming on to be heard upon the appellants motion to affirm or dismiss the appeal herein, and the record of said appellant having been duly filed, and counsel for both parties having been heard thereon, it is considered and adjudged by the Court that the said motion be and the same is hereby granted.

The Florida Central & Peninsular Railroad Company, Appellant vs. The Florida Railroad Company, Appellee } Appeal from Duval County

This cause coming on to be heard upon the appellants motion to affirm or dismiss the appeal herein, and the record of said appellant having been duly filed, and counsel for both parties having been heard thereon, it is considered and adjudged by the Court that the said motion be and the same is hereby granted.

Day A. D. 18

963 Ufield and Company
vs. } Appeal from Circuit
Circuit Court, Apalla County

This cause being reached in the regular call of the docket, counsel appearing being waived for either party, the Court dismisses the same; It is therefore considered and adjudged by the Court that the said plaintiff pay appellee and appellee recover of said plaintiff his costs in the behalf expended & that he have execution therefor

In the matter of the petition of the County Commissioners of Jackson County, Oshawa for location of a justice's Court of the Second Judicial District

This matter coming on to be heard upon the said petition & request on the behalf of said petitioners by W. D. Hinmillow, Esquire, and upon the proof of the proper change by W. B. Childers, Esq, duly published, & the Court & the Court, not being sufficiently advised in the premises, takes the same under advisement.

In the matter of W. D. Hinmillow, Esquire, It is ordered that W. D. Hinmillow, Esquire, be admitted a member of the bar of the Second Judicial District Court of this Territory. He was thereupon, admitted to practice in this Court as an attorney, solicitor and counsellor and he then upon appeared in open Court and took the oath prescribed by the rules.

In the matter of W. D. Childers, Esquire, It is ordered that W. D. Childers, be admitted a member of the bar of this Second Judicial District Court of this Territory, he was thereupon admitted to practice in this Court as an attorney, solicitor and counsellor and he then upon appeared in open Court and took the oath prescribed by the rules of the Court.

It is ordered that this Court do now adjourn until Monday morning at ten o'clock.

Day A. D. 18

231 The Texas Pacific Railroad Company. Plaintiff in Error } Error to Harris County.
vs.
James B. Erman et al. Defendants in Error

The foregoing two causes coming on to be heard together upon the records, assignments of error and briefs filed therein, are argued on behalf of plaintiff in error by C. O. Fellowes, Esquire and on behalf of said defendants in error by John H. Knobel Esquire and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

Board of County Commissioners of Socorro County. Plaintiff in Error } Error to Socorro County.
vs.
James L. Terrill et al

By agreement of said parties by their respective attorneys and by their stipulation on file this cause is submitted to the Court upon the record and the briefs filed and to be filed therein by January 25, 1885.

237 H. Mentzel, Appellee } Appeal from Bernalillo County.
vs.
Atlantic and Pacific Railroad Company, Appellant

This cause having been argued on behalf of said appellant, and submitted to and by the Court at a former day of the present term, the Court, being more sufficiently advised in the premises, doth order that the record in the above entitled cause be and the same is hereby dismissed from the docket; and it is considered and adjudged by the Court, that said plaintiff in error recover of said defendant and appellant their costs in this behalf expended and have execution therefor.

Day [illegible] A. D. 18[illegible]

[illegible]

[illegible] Court [illegible]

[illegible]

[illegible] Court [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [

Seventh Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

United States of America. Appellant } Appeal from
vs. } Fifth
Jun Pedro Cañon del Agua Company } District

It is ordered that this cause be set down for argument at the commencing of Court on next Thursday morning.

Joseph Coleman et al. Appellants } Appeal from
vs. } San Miguel
William Bell et al Appellees } County.

Now come said appellants by their attorney Louis Ledyard Esquire, and move the Court to grant them a rehearing herein for reasons set forth in their motion on file and said motion being submitted to the Court without argument, the Court not being sufficiently advised in the premises, take the same under advisement.

Mesilla Company Appellant } Appeal from
vs. } Bernalillo
Elias Morar Appellee } County.

Now comes said plaintiffs & appellants by their attorney, Joseph Bell Esquire, and move the Court to rescind the order upon the docket for reasons stated upon said motion, & said defendant & appellee consenting thereto as by the stipulation on file, the Court grants said motion & it is therefore ordered by the Court that this cause be & the same hereby is struck from upon the docket; & thereupon by agreement of said parties by their respective attorneys as by their further stipulation on file, this Court is authorized to the Court upon the record & assignments of errors, joinder in error & briefs & argument to be filed herein & upon the briefs so filed herein by said appellants & thereupon

Thursday Day Thursday January Sixth A. D. 1853

No. Stephens Respondents Appellee } Appeal from
vs. } Chancellor.
Stephens Complainants Appellants } Argued.

Upon consideration of said petition by their respective
attorneys. It is ordered that the cause be reinstated
docket and be heard on the merits of the case.

No 465 United States of America Appellee } Appeal from
vs. } Chancellor.
Jesse L. Miller. } Argued.

It is ordered that the cause be set the
cause hereby is set down for argument on the
succeeding opinion day next Thursday morning.

No 471 United States of America } Appeal from
vs. } Eastern District
Isaac Leslie Appellant } Texas

This cause coming on to be heard upon the
record and brief filed herein, & argued by Counsel
Leslie for Appellant & Allowed Engrossment on behalf of
said defendant and appellant by Messrs
Smith Esquire United States Attorney for Texas
District. On behalf of said appellee, and such
entitled to the Court until the Court next being
sufficiently advised in the premises, takes the
same under advisement.

On motion of James L. Miller Esquire It is ordered
that Linis Price Esquire, a member of the bar of
the First Judicial District Court of this Territory,
be and he hereby is, admitted to practice as an attor-
ney. Solicitor and counsellor of this Court and he
thereupon appears in open Court and is duly sworn
)

It is ordered that the Court do now adjourn
until tomorrow morning at ten o'clock,

Twenty One Day Saturday January Twenty Ninth A. D. 1916

Twenty Civil Day.

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

258 The C. J. L. Meyer Jewelry Co. Appellee } Appeal from
vs. } Santa Fe
Robert Black et al Appellants } County.

This cause coming on to be heard upon the record, assignment of errors and briefs filed herein is argued by Messrs. Pickett and Elliot, on behalf of said appellee and by Mr Holloomb, Esquire on behalf of said appellants and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

259 The Territory of New Mexico, Appellee } Appeal from
vs. } Santa Fe
T. J. Finnegan, Appellant } County.

This cause coming on to be heard upon the record, assignment of errors and briefs filed herein is argued by A. B. Renehel Esquire on behalf of said appellant and by Solomon Luna, Attorney General, for said appellee and submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement,

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Day

A. D. 1[illegible]

argued by Frank Ilfeld Esquire on behalf of said appellants and by H. L. O'Meara Esquire on behalf of said appellee.

In the matter of the petition of The County Commissioners of Socorro County to change the location of the District Court of the Second Judicial District,

935 The motion by the old town of Albuquerque and also the motion by the City of Socorro to remove the District Court from the said town of Albuquerque are overruled, subject however to be reconsidered at the next regular term of this Court in the event that preparations are not then completed or in progress for the better accommodation of the Court and the preservation of its records in Bernalillo County. The order heretofore made fixing the said town of Albuquerque as the present place for holding said Court is in the meantime continued in force.

By the Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Monday Third Day.

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

938 The Rio Grande Improvement Company vs. Eusebio Padilla et al. } Application for a writ of prohibition,

Place of Business No. 3 of Santa Fe County

This cause coming on to be heard upon the petition and motion of the Rio Grande Improvement Company by its attorney H. L. O'Meara Esquire for a writ of prohibition herein directed and the Court having duly considered the same and being fully advised in the premises doth find that the said petition and motion are well taken and should be granted and that the said writ of prohibition should issue as prayed for in said petition and motion, and that the said writ of prohibition should be perpetual as prayed for in said petition and motion, and that the said writ of prohibition should be directed to the said Eusebio Padilla, Justice of the Peace of Precinct No. 3 of Santa Fe County, and to the said Board of Trustees of the Town of Agua Fria, and to the said Board of Trustees of the Town of Agua Fria, and to the said Board of Trustees of the Town of Agua Fria

Sunday Day Sunday [illegible] A. D. 18[illegible]

Seventy-Fourth Day.

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

175 The Territory of New Mexico, Appellee } Appeal from
vs. } Dist. Court
Jesus Kinney, Appellant } Socorro County

The motion of said defendant & appellant to grant him a rehearing herein having been argued by counsel & submitted to & taken under advisement by the Court at a former day of the present term, the Court, now being now sufficiently advised in the premises, announces its decision by Associate Justice Briggs, granting said motion & reversing the judgment & of said Court below & remanding the cause, & said Court, pursuant to the mandate of the Court concerning; It is therefore considered & adjudged by the Court that the judgment in said cause of the Third Judicial District Court in & for the County of Socorro be, & the same hereby is reversed, & said cause is remanded to said District Court, & it is further considered & adjudged by the Court that said defendant recover of said plaintiff his costs & therefore & execution issue therefor.

219 Territory of New Mexico, Appellee } Appeal from
vs. } Second Dist.
Juliano Baca, Appellant } Court, Socorro
County.

It is ordered & appellant & appellant therefore & motion for rehearing & said motion having been & taken under consideration by the Court & the Court being now sufficiently advised in the premises, & it is therefore ordered & the mandate heretofore entered by the Court shall & the motion of said appellant for a rehearing therein be & the same hereby is denied.

221 Wallace Douglas, Appellee } Appeal from
vs. } Bernalillo
Charles H. Gerhardt, Appellee. } County.

The said plaintiff

before their decease [illegible] the
decease of the [illegible] and
until [illegible] the [illegible]
pleas the same: all [illegible] the [illegible]
that the matters [illegible]
the same thereby [illegible]

243 Cranmer Standifer [illegible] Appellee
vs Ejectment
The San Fedro Quicksilver Mining Co [illegible] Appellee
et al

This cause having been argued by Counsel and submitted to the Court on motion to affirm by the Court, at a former day of the present term, the Court being sufficiently advised in the premises, doth overrule said motion by Associate Justice Henderson, in the absence of the Court below, remanding the cause to the District Court with instructions to proceed to hear said cause to proceed according to law and the practice of this Court. And now at this day came the parties by their Counsel and the Court having fully considered the matters of error and briefs filed herein &c.

Joseph Coleman et al. Appellants
vs Ejectment
William Bell et al. Appellees

Appeal from Bernalillo County.

The said appellants having at a former day of this term submitted to the Court their motion for a rehearing herein, the Court having considered said motion & being now sufficiently advised in the premises, doth overrule the same; It is therefore ordered by the Court that the motion of said plaintiffs appellants for a rehearing herein, be and the same hereby is denied.

William B Childers, Executor Appellant
vs Assumpsit
William E Talbot Appellee

Appeal from Bernalillo County.

This cause coming on to be heard upon the record and transcript of error and briefs filed herein &c

the case appearing for record & settled, it is agreed & by the said parties that the Circuit Court decree affirmed with costs & the Court not being sufficiently advised of the premises, leaves the same under advisement.

267 United States of America. Appellee } Appeal from
vs. Petition for Writ } Third Judicial
Jesse J. Fuller, Appellant } District.

This cause having been argued by counsel, and submitted to the Court for consideration & decision at the present term, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Long, reversing the judgment of the Court below and remanding this cause that Court with instructions to grant the said petition, for reasons set forth in the opinion on file, all of the members of the Court concurring. It is therefore considered & adjudged by the Court that the petitioner & appellant recover of the Third Judicial District Court of Illinois, whereof this cause was removed into this Court, the costs in this behalf expended & that a writ of this cause certified to the said Court according to law & custom in such cases made & provided & that execution issue therefor.

270 The United States of America Appellee } Appeal from
vs. } Circuit Judi-
C. Jesse Fuller Appellant } cial District.

This cause having been argued by counsel and submitted to the Court for consideration & decision at the present term & the Court being sufficiently advised in the premises, announces its decision reversing the judgment of the Court below for reasons given in the opinion of the Court & that the petitioner & appellant recover of the Appellee his costs in this behalf expended & that a writ of this cause certified to the said Circuit Court according to law & custom in such cases made & provided & that execution issue therefor.

Day A. D. 18

of this Chancery, he can be heard by counsel or attorney, solicitor and counsel or can be heard by himself thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

On motion of H. H. Cleveland, Esquire, It is ordered that Charles H. Phillips, Esquire a member of the bar of this Circuit Judicial Court of this Chancery be and he hereby is admitted to practice as an attorney, solicitor and counsellor in this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

It is ordered that the following allowances be and they are hereby are made to officers of the Court and others to be paid by the Treasury of Mercer County,

Frances Chivers, Sheriff of Santa Fe County,	12 days attendance	$18.00
C. H. Phillips, Clerk of the Court	" " "	96.00
The Rocky Mountain Printing Company for printing tickets for the term		35.00

It is ordered that the following allowances be and they are hereby made to officers of the Court and others, to be paid by the United States:

Horace Hackney, U.S. Attorney for the Territory of New Mexico,	12 days attendance	$40.00
C. H. Phillips, Clerk of the Court	20 days attendance	200.00
Jesse Haverland Crier,	20 " "	115.00
Gilbert Secretan Bailiff,	20 " "	115.00
Narciso Vergara "	20 " "	115.00
José Cleofes Perea "	20 " "	115.00
Ramon Bernard "	20 " "	115.00

Whereas C. H. Phillips Clerk of this Court has rendered his services as reporter of the proceedings of this Court, and whereas there is due him therefor from the United States the sum of Two hundred dollars, and whereas he has presented an account therefor to the Court and the same has been examined by the Court and found correct and whereas said charges are reasonable, proper and customary for such services, it is ordered that the Treasurer of the United States be and he hereby is requested to

Day A. D. 18

272

the cause be sent back for further proceedings to be had therein in conformity with the opinion of this Court, all the members of the Court concurring. It is therefore considered and adjudged by the Court that the judgment of the First Judicial District Court of the Territory within and for Lincoln County, whereof the cause came into this Court, be and the same hereby is reversed, annulled and set aside and the cause remanded to said District Court. And it is further ordered by the Court that said appellees recover of said appellees their costs in this behalf expended to be taxed.

No. 761 — Joseph Coleman et al Appellants } Appeal from
vs. } Et ux. } Lincoln
Wm Bell et al Appellees } County.

Now came said plaintiffs and appellants and move the Court to grant them leave to file a transcript of the record and proceedings herein but said motion being submitted to the Court without argument the Court being sufficiently advised in the premises, overrules the same. It is therefore ordered by the Court that said appellants recover of said appellees their costs in this behalf expended to be taxed.

No. 762 — The United States of America, Appellee } Appeal from
vs. } Second Judicial
G. Leon Labbe, Appellant } District

The said defendant and appellant having filed a motion for a rehearing herein the Court, being sufficiently advised in the premises, doth order that the same be and the same hereby is, overruled.

No. 763 — The New Orleans, Fort Scott & Kansas City Railroad Company, Appellee } Appeal from
vs. } Lincoln
John L Carmichael et al Appellants } County.

By agreement of said parties by their respective attorneys of record in this cause it is ordered that the Record and the briefs filed herein

1867 Augustus Redewill, Appellee } Appeal from
vs. } Grant County
Thomas Gillen, Appellant }

This cause coming here to be submitted to the Court upon the briefs upon the part of said appellee, the said Appellant now comes by his attorney, J. L. Fiedler, Esquire and says to the Court here that he will not submit his cause to the Court upon briefs without oral argument.

981 The Territory of New Mexico, Appellee } Appeal from
vs. } Grant County
Abel Duran and Amelia Lara, Appellants }

Now come said defendants by appellants by their attorney, J. L. Fiedler, Esquire and move the Court for leave to docket this cause upon the transcript of record herein and said plaintiff and appellee consenting thereto by its Attorney General, William Breeden, Esquire, the Court being sufficiently advised in the premises, grants said motion: It is therefore ordered by the Court that said defendants be and they hereby are given leave to docket this cause and to file a transcript of record herein; and thereupon by agreement of said parties by their respective attorneys, this cause is submitted to the Court upon the transcript of record and upon the briefs to be filed herein, said defendants being given time until March 1, 1886. in which to file their

Thomas Romulo Martinez, United States Marshal who has rendered to this Court an account of his disbursements for Miscellaneous Expenses incurred at the January term, 1886 at Lordsburg of the Territory of New Mexico, with the items and vouchers thereof and the presence of Thomas Smith, United States Attorney, have proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been lawfully in fact: Now, therefore, it is hereby ordered that the said account according to law: It is hereby ordered that the

nine dollars and ninety cents, and the same is hereby approved.

Whereas Bernice Manning, United States Marshal, has rendered to this Court an account of his fees and expenses from the 4th day of January to the 30th day of January 1886, with the vouchers and items thereof thereto annexed of Thomas Smith, United States Attorney, he proved on oath to the satisfaction of the Court that the services, travel charged therein were actually and necessarily performed, and that the expenses were necessarily incurred; and whereas said charges appear to be just and according to law; It is hereby ordered that the said account, amounting to One Hundred and forty nine dollars and ninety cents, be and the same is hereby approved.

Whereas Thomas Smith, United States Attorney, has rendered to this Court an account of his fees and the present term and has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed and charges therein appear to be just and according to law; It is ordered that said account, amounting to three hundred dollars, be and the same hereby is approved.

Ellis Phillips, Clerk of this Court having this day tendered his resignation, the same is now accepted to take effect when his successor is appointed and qualified:

And M. Johnson is now appointed Clerk of the Supreme Court and it is ordered that he give bond in the penal sum of Three Thousand Dollars, conditioned for the faithful discharge of his duties, the same to be approved by the Chief Justice, said bond to be entered upon the record of the Court,

It is ordered that the Coroners, Constables, and other officers and persons who have heretofore been appointed by the Court to serve until the next term of Court,

It is ordered that the Coroner of

Present the Hon. Edward Mellen Chief Justice

Edward D. Lang
Chief Justice

Peter K. Bronson
Associate Justice

N. F. Henderson
Associate Justice

Day ..... A. D. 18..

At Santa Fé. N. M. February 18th 1886

Present:

The Honorable Elisha V. Long, Chief Justice of the Supreme Court of the Territory of New Mexico.
The Honorable William A. Bricker. Associate Justice of said Court, and
C. M. Phillips. Clerk.

214 Mary E. Browning, appellant
The Estate of Clinton R. Browning, deceased, Appellee.
} Appeal from the District Court of San Miguel County.

This cause having argued and submitted to, and taken under advisement by the Court at the January 1886 Term thereof, the Court being now sufficiently advised in the premises, the Judges thereof file this, the judgment of the Court in writing, together with the opinion of the Court by Associate Justice Bricker, reversing and remanding this cause, all the members of the Court concurring, It is therefore considered and adjudged by the Court that the judgment of the First Judicial District Court within and for the County of San Miguel, whence this cause came into this Court, be and the same hereby is reversed, and that this cause be and the same hereby is remanded to that Court, with directions to proceed in accordance with the opinion filed in said cause; It is further considered by the Court that the said Mary E. Browning recover of the said The Estate of Clinton R. Browning, deceased, her costs in this behalf expended, to be taxed, and that she have execution therefor; and It is ordered by the Court that the Clerk of this Court be, and he hereby is, directed to enter this judgment nunc pro tunc as of the regular January term 1886 of this Court at which term this cause was argued and submitted.

Elisha V. Long. C. J.
Wm. A. Bricker J. J.

3511

Def

A. D. 18

At Santa Fe N.M. October 2nd 1886

Present:

The Honorable Elisha V. Long Chief Justice of the Supreme Court of the Territory of New Mexico.
C. M. Conklin. Clerk of said Court.

Board of County Commissioners of Valencia County et al. Plaintiffs in Error

vs

Atchison Topeka & Santa Fe Railroad Company. Defendant in error

} Error to District Court Second Judicial District Bernalillo County.

This cause having been argued and submitted to, and taken under advisement by the Court at the January 1886 term thereof. The Court being now sufficiently advised in the premises. The Judge of said Court files this the judgment of the Court in writing. Together with the opinion of the Court heretofore rendered, affirming the judgment and decree of the Court below. All the members of the Court concurring; It is therefore ordered adjudged and decreed by the Court that the judgment and decree of the second Judicial District Court within and for the County of Bernalillo, wherein this cause came into this Court, be and the same hereby is affirmed. And that in accordance therewith the said defendant below, The Board of County Commissioners of the County of Valencia, Patricio Lucero, Sheriff and ex-officio Collector of said County and C. C. Ft Conner. United States Attorney of the second District of the Territory of New Mexico and their successors in office be and they hereby are perpetually enjoined restrained from collecting or proceeding to collect the taxes levied against said defendant in error. The Atchison Topeka & Santa Fe Railroad Company for the fiscal years commencing April first A.D. 1881. March first 1882 and March first A.D. 1883. as in said defendant in error's bill of complaint set forth: It is further considered and adjudged by the Court that the said defendant in error recover of said plaintiff in error its costs in this behalf expended. As well in the Court below as in this Court. and that it have execution therefor; And It is ordered by the Court that the Clerk of this Court do and he hereby is directed to enter this judgment nunc pro tunc as of the regular January term 1886 of this Court. at which term

Day A. D. 18

This cause was argued and submitted.
Elisha M. Long. C. J.
Wm N. Bricker. J.

Ruel M. Johnson. having been appointed Clerk of the Supreme Court of the Territory of New Mexico, now comes and presents his bond and oath of office as said Clerk, which said bond and oath of offic is thereupon spread upon the record in the words and figures following. to wit:

Know all men by these presents. that Ruel M. Johnson. as principal and Willi Spiegelberg and Adolph Seligman as Sureties, are held and firmly bound unto the United States of America, in the penal sum of five thousand dollars, lawful money of the United States of America, for the payment of which well and truly to be made we bind ourselves, our heirs, administrators and assigns. firmly by these presents.

In witness whereof, we have hereunto set our hands and seals the 15th day of February, 1886.

The condition of the above obligation is such that whereas, the said Ruel M. Johnson, was by the Supreme Court of the Territory of New Mexico, in open session of said Court, duly appointed, by the Judges of said Court, Clerk of the Supreme Court of the Territory of New Mexico! on the thirtieth day of January. 1886. by an order of said Court entered of Record in Record "A" of said Supreme Court, on page 397. to have and to hold the said office of Clerk with the rights, privileges and emoluments thereunto belonging and appertaining as permitted by the law authorizing his said appointment; Now if the said Ruel M. Johnson shall well and faithfully discharge the duties of his said office, and seasonably record the decrees, judgments and determinations of said Supreme Court. and properly account for all money coming into his hands as such Clerk as required by law. then this obligation to be void; otherwise to remain in full force and effect.

R. M. Johnson (Seal)
Willi Spiegelberg (Seal)
Adolph Seligman (Seal)

Territory of New Mexico } ss.
County of Santa Fe }

Willi Spiegelberg and Adolph Seligman, being duly sworn, each respectively for himself says, that he is a resident of the County of Santa Fé in the Territory of New Mexico and is an owner and holder of real estate in said County, and that he is worth at least the sum of five thousand dollars in property situated in said Territory of New Mexico, over and above all his just debts and liabilities, and exclusive of property exempt by law from execution.

Willi Spiegelberg (Seal)
Adolph Seligman (Seal)

Subscribed and sworn to before me this 15th day of February. A.D. 1886

Elisha V. Long (Seal)
Judge.

The above and foregoing bond is taken and approved by me as the Chief Justice of the Supreme Court of the Territory of New Mexico this 27 day of February, 1886, and the same is ordered spread of record on the Journal of the said Supreme Court according to the Statute in such cases made and provided.

Witness the hand of the Chief-Justice of the Supreme Court of the Territory of New Mexico, the day and year last above written.

Elisha V. Long. (Seal)
Chief-Justice of
Supreme Court of the Territory of new mexico.

Territory of New Mexico } ss.
Santa Fe County }

I, Rue M. Johnson, being appointed a Clerk of the Supreme Court of the Territory of New Mexico, do solemnly swear that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said Court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God.

R. M. Johnson (Seal)

Subscribed and sworn to before me this 27th day of February. 1886.

Elisha V. Long. (Seal)
Chief Justice of
the Supreme Court of the Territory of New Mexico.

Day A. D. 18

Ft. Bascom, New Mexico, Saturday, July 31st 1886.

Present:

The Hon. Elisha V. Long, Chief Justice of the Supreme Court of the Territory of New Mexico.

Now comes the Honorable Elisha Van Long and presents his Commission as Chief Justice of the Supreme Court of the Territory of New Mexico, and Oath of Office as such Chief Justice, and thereupon said Commission and Oath of Office are spread upon the record in the words and figures as follows, to wit:

Grover Cleveland.

President of the United States of America.

To all who shall see these Presents, Greeting:

Know ye, that reposing special trust and confidence in the wisdom, uprightness and learning of Elisha Van Long, of Iowa, I have nominated, and, by and with the advice and consent of the Senate, do appoint him to be Chief Justice of the Supreme Court of the Territory of New Mexico; and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and laws of the said United States, and to have and to hold the said Office with all the powers, privileges and emoluments to the same, of right appertaining unto him, the said Elisha Van Long, for the term of four years from the day of the date hereof, subject to the conditions prescribed by law.

In testimony whereof, I have caused these Letters to be made Patent, and the seal of the United States to be hereunto affixed.

Seal of the United States.

Given under my hand, at the City of Washington the Twenty third day of June, in the year of our Lord, One thousand, eight hundred and eighty six, and of the Independence of the United States of America the One Hundred and tenth.

Grover Cleveland.

By the President:
T. F. Bayard
Secretary of State.

State of New Mexico } ss.
County of Santa Fe. }

I, Elisha Van Long having been appointed

Day A. D. 18

1st Day: Monday January 3rd A. D. 1887

At a regular term of the Supreme Court of the Territory of New Mexico begun and held at Santa Fé, New Mexico, the Seat of Government of said Territory, on the first Monday of January in the year one thousand eight hundred and eighty seven, the same being Monday, January 3rd 1887.

Present:

The Honorable Elisha V. Long - Chief Justice of the Supreme Court of the Territory of New Mexico

The Honorable William H. Brinker, Associate Justice of said Supreme Court.

The Honorable William D. Henderson, Associate Justice of said Supreme Court.

William Breeden, Attorney General of said Territory

Romulo Martinez, United States Marshal of said Territory

Neil Dickson, Clerk of said Supreme Court.

In the matter of the Petition of Lawrence Gonzales for a writ of habeas corpus

} Appeal from Bernalillo County.

And now on this day this cause coming on to be heard upon the motion of the petitioner for a writ of habeas corpus herein, and it appearing to the Court that this cause should be set down for hearing at the opening of Court on next Wednesday morning.

It is ordered by the Court that this cause be and the same is hereby set down for hearing at the opening of Court on next Wednesday morning.

Carlos Tafoya, Appellant

vs Appeal

Lorenzo Delgado, Appellee

} Appeal from Bernalillo County.

And now on this day this cause coming on to be heard upon the motion of the appellant for a writ of habeas corpus herein, and it appearing to the Court that this cause should be set down for hearing at the opening of Court on next Wednesday morning.

It is ordered by the Court that this cause be and the same is hereby set down for hearing at the opening of Court on next Wednesday morning.

Ramon Gonzales, Plaintiff in Error

vs Error to

Lorenzo Delgado, Defendant in Error

} District Court of Bernalillo County.

And now on this day this cause coming on to be heard upon the motion of the plaintiff in error for a writ of error herein, and it appearing to the Court that this cause should be set down for hearing at the opening of Court on next Wednesday morning.

It is ordered by the Court that this cause be and the same is hereby set down for hearing at the opening of Court on next Wednesday morning.

Jesus Maria Baca, Plaintiff in Error

vs Error to

Lorenzo Delgado, Defendant in Error

} District Court of Bernalillo County.

And now on this day this cause coming on to be heard upon the motion of the plaintiff in error for a writ of error herein, and it appearing to the Court that this cause should be set down for hearing at the opening of Court on next Wednesday morning.

It is ordered by the Court that this cause be and the same is hereby set down for hearing at the opening of Court on next Wednesday morning.

writ of error. and It is thereupon ordered that this cause be and is set down for hearing on said motion on to morrow morning.

247 The United States of America, Appellant. } Error to
vs. } First Judi-
The San Pedro and Cañon del Agua Company Appellee } cial District.

It is ordered by the Court that this cause be set down for further argument at the incoming of Court on next Monday morning, the same having been argued by counsel and taken under advisement. and the Court now being now sufficiently advised.

284 Nasario Gonzales, Appellant } Appeal
vs. } from Santa
Atchison Topeka and Santa Fé Railroad Company } Fé County.

Now comes said appellee by its attorney, H.L. Waldo Esq and files its motion to affirm the judgment of the Court below.

280 United States of America. Plff in Error } Error to
vs. } First Judicial
John Guyon. et al Defts in Error } District.

On the stipulation of said plaintiff in error. and of said defendant in error. Robt B. Dillion. by his attorneys Messrs. Gildersleeve and Knaebel. now filed herein. It is ordered that said plaintiff in error have until the second Wednesday of the present term to file printed transcripts of the record herein.

298 Lynch Brothers. Appellees } Appeal from
vs. } Trespass on the case } Doña Ana
Grayson & Company. Appellants } County.

On the stipulation of said parties by their respective attorneys now filed herein, It is ordered that said appellants have until the incoming of Court on next Monday morning to file their assignment of errors and until the incoming of Court on the third Monday of this term to file their briefs herein.

297 John E. Jamison, Appellee } Appeal
vs. } from Sierra
Amri Boon, et al. Appellants } County.

On the stipulation of said parties by their respective attorneys, now filed herein, It is ordered that

until appellants have until the morning of Court on Monday morning to file their assignment of errors and until the morning of Court on the Monday following to file their briefs herein.

The Territory of New Mexico ex rel. Chas L. Lewis
vs. No 3. Appellee
The Board of County Commissioners of Bernal. } Appeal from Bernalillo County.
No. Appellant

On the stipulation of said parties now filed herein by their respective attorneys. It is ordered that said appellant have until the third Monday of this term to file assignment of errors herein.

On motion of Henry L. Waldo. Esquire. It is ordered by the Court that Karl A. Snyder. Esquire, a member of the bar of the Second Judicial District Court of this Territory of New Mexico, be and he hereby is admitted to practice as an attorney, solicitor and Counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

On motion of John H. Knaebel. Esquire. It is ordered that Francis H. Howard, a member of the bar of the First Judicial District Court of this Territory, be and hereby is admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

On motion of John H. Knaebel. Esquire. It is ordered that Francis H. Howard a member of the bar of the First Judicial District Court of this Territory be admitted to practice as an attorney, solicitor and Counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

On motion of L. Bradford Prince, Esquire, It is ordered by the Court, that John C. Pearce, Esquire a member of the bar of the First Judicial District of this Territory be admitted to practice as an attorney, solicitor and Counsellor of this Court upon his taking the official oath, signing the roll of attorneys and paying the admission fee to the Clerk.

First Day Monday January Third A. D. 1853

It is ordered by the Court that Rule Fifteen of the rules of this Court be and hereby is abrogated and the following adopted in lieu thereof, to wit;

Rule XV.

Argument in a cause will be limited to one hour and fifteen minutes on each side unless by special order time is extended. Not more than two counsel will be permitted to speak on a side.

[illegible] Esquire, was ordered by the Court to act as Commissioner of the Circuit Court of this County during the absence of the Judge of said Court, and to receive and file pleadings, issue process, take recognizances, and do and perform all and every act and thing that the Clerk of said Court is required to do and perform in vacation by the statutes of this State.

[illegible] Court adjourned until [illegible] o'clock

Record &c.

Record &c.

Record &c.

Record &c.

Barbara Thorn, Appellant } Appeal from
vs. } Circuit Court
225 Valentine Schiebenthal, Appellee } Lincoln County.

Now come said defendants and appellees by their attorneys Fike & Barnes of counsel for said appellant, and by leave of the Court withdraw their appearance heretofore entered herein.

Charles Wheeler, Plaintiff in Error } Error to Cole
vs. } County.
236 Henry Rick, Defendant in Error }

This cause coming on to be heard upon the record and the motion of said defendant in error to strike said record from the files, said motion to argued on behalf of said defendant in error by Grant Sprenger Esq and on behalf of said plaintiff in error by E. C. Fike Esq and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

William P. Sminock et al. Plffs in Error } Error to Lincoln
244 vs. } County
F. H. Kuhn, et al. Defts in Error }

It is ordered that this cause be set down for hearing on the motion to dismiss writ of error & said defendants in error at the meeting of Court on tomorrow morning.

Jesus Maria Chavez y Garcia, Plff in Error } Error to Bernalillo
vs. } County.
255 Joel P. Whitney, et al. Defts in Error }

Jesus N. Herring et al. Appellees } Appeal from
253 vs. } Lincoln County.
Jesus Ma. Luna, et al. Appellants }

Manuel Luzzatti et al. Appellants
vs.
Mechanics Savings Bank & Trust Co. et al. Appellees
} Appeal from San Miguel County.

Motion to dismiss appeal for reasons stated & argued by counsel & on consideration thereof it is ordered that said motion be overruled & cause set down for hearing on the merits.

255 James H. Norwood, Plff in Error
vs. Ejectment
George O. Norwood, Deft. in Error
} Error to San Miguel County

By agreement of said parties by their respective attorneys this cause is now submitted to the Court upon the Briefs now on file herein and the record and assignment of errors.

Joseph Coleman et al. Appellants
vs.
William Bell et al. Appellees
} Appeal from San Miguel County

This cause being reached on the regular call of the docket, is passed until next Monday morning.

261 Francisco Chaves, Appellant
vs. Chancery.
Jesus M. Lima et al. Appellees
} Appeal from Valencia County.

264 Jefferson Reynolds et al. Appellees.
vs.
Graham Bleak et al. Appellants
} Appeal from Bernalillo County.

It is ordered that the foregoing two cases be and are set down for argument at the incoming of Court on next Monday morning.

269 The Territory of New Mexico
vs. Larceny
John C. Jay. Appellant
} Appeal from Lincoln County.

This cause said defendant and appellant by his attorney H. L. Waldo Esq and says to the Court here that he will not further prosecute his said appeal but discharges the same. It is therefore considered and adjudged by the Court that said appeal be and the same hereby is dismissed; that said defendant pay all the costs of this proceeding to be taxed and that execution issue therefor: that this cause be and hereby is remanded to the District Court with in and for Lincoln County, whence it came to this

Court, with directions to proceed therein the same as though no appeal had been taken.

Susan Maria Pleasants et al. Administrators &c. } Appeal
vs. } from Circuit
Cond Candelaria Montoya de Gallegos, Appellee } St. County.

Aaron Leyser, Appellee } Appeal from
ing vs. } Jefferson
Will D. Field Appellant } County.

Lyons and Campbell et al. Appellants } Appeal
Eqg vs. } from Chancery
James G. Blood, Sheriff &c. Appellees } County.

It is ordered that the foregoing two causes be and thereby are set down for argument at the incoming of Court on next Tuesday morning.

State and Improvement Company, Plff in Error } Error to
287 vs. } Circuit
Charles H. Gildersleeve, Deft in Error } Court

Now come said defendants in error, by their attorneys, Messrs. Gildersleeve and Pinckney and Peter H. Knabel, Esq. and enter their appearance herein and it is thereupon ordered that this cause be and is set down for hearing at the incoming of Court on the second Wednesday of this term.

August Kirchner, Plaintiff in Error } Error to
283 vs. } District
Aaron M. Laughlin, Deft in Error } County

Now comes said defendant in error by his attorneys, Messrs. Gildersleeve and Pinckney and Ed. S. Waldo Esquire and enters his appearance herein: and it is ordered that this cause be and is set down for argument on the second Wednesday of this term.

Joseph Coleman et al. Plffs in Error } Error to
254 vs. } San Augustine
William Bell et al. Defts in Error } County.

It is ordered that this cause be and is set down for argument at the incoming of Court on the second Wednesday of the present term.

283 Frederick Lemmans Plff. in Error — vs. Assumpsit. — Error to Dona Ana County
Benigno Romero

286 Lorenzo Lopez. Plff. in Error — vs. Assumpsit. — Error to 3rd Jud. Dist. Valencia County
Benigno Romero. Deft. in Error

Now comes the defendant in error in the foregoing two causes by his attorneys. Messrs. Breeden & Vincent and enters his appearance therein and thereupon by agreement of said parties by their respective attorneys. It is ordered that said plaintiffs in error be and hereby are given until the incoming of Court on the next Friday morning in which to file their assignments of errors and until the incoming of Court on the second Wednesday of the present term to file their briefs herein. and it is further ordered that the causes be and hereby are set down for argument on the third Monday of this term

287 Juan Domingo Dena. Plff in Error — vs. — Error to Rio Arriba County
The Territory of New Mexico

It is ordered that this cause be and hereby is set down for hearing at the incoming of Court on the second Thursday of this term.

288 Chas. Conner & Louisa Conner — vs. Chancery — Error to 3rd Jud. Dist. Valencia County.
Roman Gutierrez et al.

Now comes said plaintiffs in error by their solicitors, Messrs. Clancy & Warren and say to the Court here that they will not further prosecute their said writ of error but dismiss the same; It is therefore ordered, adjudged and decreed that said writ of error be and hereby is dismissed. that said plaintiffs in error, pay the costs of this proceeding to be taxed and that a mandate issue therefor; and this cause be and hereby is remanded to the District Court within and for the County of Valencia whence this cause came to this Court with directions to proceed therein that same as though the said writ of error had not been sued out.

289 Eugenio Romero. Plff in Error — vs. — Error to Socorro County.
Socorro County Commissioners.

Now comes said plaintiff in error by his attorney, H. Eilbrun Esq. and says to the Court here that he will not further prosecute his said writ of error but dismisses the same. It is therefore considered and adjudged by the Court that said writ of error be and hereby is dismissed. that said defendant in error recover of said plaintiff in error, his costs in this behalf expended to be taxed and that execution issue therefor. that this cause be and is hereby remanded to the District Court within and for the County of Socorro. whence the same came with this Court, with directions to proceed therein the same as though no writ of error had been sued out.

Lionel D Saxton et al. Plffs in Error } Error to Sierra.
vs } Co.
290 The Texas Santa Fe and Northern Railroad Co. }

Now comes said defendant in error by its attorneys Messrs. Gildersleeve and Newton and enters its appearance herein and thereupon ordered that this cause be and is set for hearing at the incoming of Court on the second Thursday of this term.

The Territory ex rel. Simon Leyser } Appeal from
vs } Socorro County.
291 Rhinds Kopf Brothers and Company et al }

Now comes said relator and appellee by his attorneys Messrs. Hare and Abbott and enters his appearance herein and thereupon ordered that this cause be and is set down for hearing at the incoming of Court on the second Thursday of this term.

Lady Franklin Mining Company } Appeal from
vs } Sierra County
292 James Blaney. Appellee }

Now comes said defendant and appellee by his attorneys. Messrs. Pickett, Elliott and Pickett and enters his appearance herein and files a motion to strike the record filed herein from the files. and it is ordered that this cause be and hereby is set down for hearing in the second Thursday of this term.

293. Edward C. Henrique ex parte } Appeal from Bernalillo Co.
It is ordered that this cause be and is set down for hearing on the third Monday of this term

Day A. D. 18

294 The Territory of New Mexico, Appellee. } Appeal from
vs. } Socorro County
Henry Anderson, Appellant. }

Now comes said plaintiff & appellee by Attorney General & enters its appearance herein & this cause coming on to be heard is ordered that this cause be & is set down for hearing on the third Monday of this term.

296 The Territory of New Mexico, Appellee. } Appeal from
vs. } Socorro County
Jasper Thomason, Appellant

295 The Territory of New Mexico, Appellee } Appeal from
vs. } Bernalillo County
Pascual Cotinola, Appellant

It is ordered that the foregoing two causes be and are hereby set down for hearing on the third Tuesday of this term.

297 John E. Harrison } Appeal from
vs. } Dona Ana County
Isaac Morris et al. Appellants

It is ordered that this cause be & is set down for hearing on the third Wednesday of this term.

Enoch Strauss } Appeal from
vs. } Dona Ana
298 Mayer & Company } County.

It is ordered that this cause be & is set down for hearing on the fourth Monday of this term.

The Territory of New Mexico } Appeal from
vs. } Grant County
299 T. C. Connell

It is ordered that this cause be and is set down for hearing at the incoming of Court to-morrow.

John H. Evans, Appellee } Appeal from
vs. } Dona Ana County
300 George H. Fackenberg, Appellant

This cause coming on to be heard upon the motion of Mr. Catron, Attorney for Appellee, to dismiss the appeal herein, and it appearing to the Court that the appeal herein was not taken at the term at which the judgment was rendered, and that the appeal herein was not taken at the term at which the judgment was rendered, and that the appeal herein was not taken at the term at which the judgment was rendered, and

hearing at the incomming of Court on the third Wednesday of the present term.

301 United States of America } Appeal from
vs. } Third Judicial
Jesse L. Fuller } District

It is ordered that this cause be and is passed until January 10. 1887.

302 Charles O. Butler & Appellants } Appeal from
vs. } Grant County.
James R. Woods Appellee

Now comes said appellee by his attorney, J. D. Bail. Esq. and enters his appearance herein; and it is ordered that this cause be and hereby is, set down for hearing on the third Wednesday of the present term.

303 Frank O Mulvey: Appellant } Appeal from
vs. } Bernalillo County.
A. Staab and Company. Appellees

Now come said defendants and appellees by their attorneys. Messrs. Childers and Ferguson and enter their appearance herein and it is thereupon ordered by the Court that this cause be and is, set down for hearing on the third Thursday of the present term.

304 The Singer Manufacturing Company } Appeal from
vs. } Grant County.
Mark G. Hardee, et al. Appellants

Now comes said plaintiff and appellee by its attorney. J. D. Bail. Esq. and enters its appearance herein and it is thereupon ordered that this cause be and is, set down for hearing at the incomming of Court on the third Thursday of the present term.

306 Charles Seidler, Appellant } Appeal from
vs. } Sierra County.
Armwood Lafavr, Appellee

By agreement of said parties by their respective attorneys. this cause is submitted to the Court upon the record, assignment of errors and briefs now on file herein.

Day A. D. 18

307 Evans Brothers, Appellees
vs.
George Baggs, Appellants
} Appeal from San Miguel County

Now come said plaintiffs and appellees by their attorneys. Messrs. Newcomb and McFie

309 The Territory of New Mexico
vs.
Theodore Baker
} Appeal from San Miguel County

It is ordered by the Court that this cause be and is set down for hearing on next Wednesday morning.

310 The Territory of New Mexico
vs.
Thomas Bridemore
} Appeal from San Miguel County

It is ordered that this cause be and is, set down for hearing on the third Thursday of this term.

311 The Territory of New Mexico
vs.
Peter Trinkhaus alias Peter Trintel
} Appeal from Bernalillo County.

It is ordered that this cause be and is, set down for hearing on the fourth Monday of this term.

312 The Territory ex rel. Chas W. Lewis
vs.
The Board of County Commissioners of Bernalillo County
} Appeal from Bernalillo County

Now come said relator and appellee by his attorneys Messrs. Childers and Ferguson and enters his appearance herein and It is thereupon ordered that this cause be and is, set down for hearing on the fourth Monday of this term.

It is ordered that Gilbert Sudder, Esq be and he is hereby appointed Crier to the Court and he thereupon appears in open Court and is duly sworn as such.

It is ordered that F.C. Ireland Jr. D. Montoya, Ambrose Burkhard and William T. Brunton be and each they hereby are appointed bailiffs to the Court and they thereupon appear in open Court and are duly sworn as such.

Second Day. Tuesday January Fourth A. D. 18 87

On motion of said. E. L. Bartlett. Esq. It is ordered that Lorin Y. Read. a member of the bar of the First Judicial District Court of this Territory be and he hereby is. admitted to practice as an attorney. solicitor and Counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and subscribes the roll of attorneys.

313 The Territory of New Mexico vs. C. C. Hazeroo } Appeal from Bernalillo County.

It is ordered that this cause be and hereby is, set for hearing on the fourth Tuesday of the present term.

314 Isaiah Robinson. Appellant vs. Eleanor Hesser } Appeal from Socorro County.

It is ordered that this cause be and hereby is set for hearing at the morning of Court on the fourth Tuesday of the present term.

315 Thomas R Catron. Appellee vs. John S. Hutchason, Appellant. } Appeal from Santa Fe County.

316 David C. Pryor vs. The Portsmouth Cattle Company } Appeal from San Miguel County.

It is ordered that case no. 315 be and hereby is set for the fourth Tuesday of the present term for hearing and that case number 316. be and hereby is set down for hearing on the fourth Wednesday of the present term

305 Moses Thompson. Appellee. vs. Chancery Asa Barnaby. Appellant } Appeal from Sierra County.

Now comes said defendant and appellant by his solicitor. H. V. Pickett. Esq and says to the Court here that he will not further prosecute his said appeal but dismisses the same; It is therefore ordered. adjudged and decreed by the Court that said appeal be and hereby is, dismissed: That said plaintiff recover of said defendant his costs in this behalf expended to be taxed and that he have execution therefor: That

this cause be remanded to the District Court within and for Sierra County whence this cause came into this Court, with directions to proceed therein, the same as though as if no appeal had been taken.

It is ordered that the Court do now adjourn until tomorrow morning at ten oclock.

Third Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

San Francisco Land Co. Appellant
Company
vs Sierra County
Robert H. Stapleton Respondent

This cause coming on to be heard upon the record, assignment of errors and briefs filed herein, is argued on behalf of said appellant by Wm L Warren Esq and on behalf of said appellee by Neill J. Field Esq and submitted to the Court for the Court not being sufficiently advised in the premises, it takes the same under advisement.

22.

223 Barbara Flores
vs
Valentine Schick Appellee

Appeal from Humboldt County.

It is ordered that this cause be and the same is hereby set down for hearing on the motion of said Appellee to dismiss record upon the files and papers herein.

234 John W. Henry Plaintiff in Error
vs
Wenceslao Chavez de Henry

Error to Santa Barbara County.

This cause coming on to be heard upon the motion of the Defendant in Error to dismiss

[illegible]

962

[illegible] } Appeal from Bernalillo
vs. } County
[illegible] }

This cause coming on to be heard & argued on motion of Appellee to dismiss the appeal herein, and it appearing to the Court that the appeal herein was not taken within the time required by law, and that the transcript herein was not filed in this Court within the time required by law, and the Court being sufficiently advised in the premises, it is ordered that the appeal herein be and the same is hereby dismissed at the cost of the appellant.

963

Albert Ilfeld Company, Appellant } Appeal from Bernalillo
vs. } County
Eusebio Montoya, Appellee }

This cause coming on to be heard upon the record, transcript of error and briefs of counsel & argued on behalf of appellant in error by E. L. Bartlett, Esq. and on behalf of said plaintiff in error by Thos. B. Catron, Esq. and submitted to the Court on the Court being sufficiently advised in the premises, it is ordered adjudged & decreed by the Court that the judgment of the court below for reasons stated in the opinion on file, herein be & the same is hereby affirmed: It is therefore considered, ordered & adjudged by the Court that the judgment & decree of the second judicial District Court sitting within and for the County of Bernalillo be and the same hereby is affirmed & that in accordance therewith said defendant & said sureties herein do forthwith & without delay pay over & account for said plaintiff's costs in this behalf expended, as well in the lower Court, as in this Court & be taxed & that the execution therefor,

964

The Territory of New Mexico } Appeal from
vs. } Grant County.
P. J. O'Donnell Appellant }

It is ordered that this cause be & hereby is passed until next Monday morning.

308 James Chisum et al. Plff in Error
vs.
Otis Lyon, Admr. &c. Deft in Error. } From Lincoln County.

Now come said defendants in error by their attorney F. W. Clancy, Esq and file their motion to strike this cause from the docket which motion is passed until the third week of this term.

311 Robert H. Stapleton, Appellee
vs
Martin Zimmerman, Appellant } Appeal from Socorro County.

Now comes said appellee by his attorney H. L. Warren, Esq and present to the Court here a transcript of the record herein and file their motion to dismiss said appeal.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Day A D. 18

the affirmance of said judgment: It is therefore considered and adjudged by the Court that the judgment of the District Court sitting within and for the County of Santa Fé, be and the same hereby is affirmed and that in accordance therewith, said defendant go hence as to said declaration without day and recover of said plaintiff its costs in this behalf expended, as well in the lower Court as in this Court, except the costs of said motion and of this affirmance, which are to be paid by said appellee and that execution issue therefor.

281 The Territory of New Mexico, Appellee } Appeal from
vs. } Grant County
Pedro Duran and Aurelio Lora }

Now come said defendants and appellants by their attorney, D. L. Fielder, Esquire, and say to the Court here that they will not more further prosecute their said appeal but dismiss the same, the Attorney General in writing consenting that the same may be reinstated at any time during the present term: It is therefore considered and adjudged by the Court that said appeal be and hereby is dismissed and this cause be and is hereby remanded to the District Court sitting within and for the County of Grant, whence this cause came into this Court, with instructions to proceed therein, the same as though no appeal had been taken: and that said defendant pay the costs of this proceeding to be taxed and that execution issue therefor. And it is ordered that said appellants be and hereby are given leave to reinstate said appeal upon the docket, if they so desire, at any time during the present term.

292 Lady Franklin Mining Company } Appeal from
vs. } Sierra County.
James Delaney }

By agreement of said parties by their respective attorneys this cause is submitted to the Court upon the record assignment of errors, briefs, and motions to strike record from the files and on file herein.

322 San Marcial Land and Improvement Company et al, Appellees } Appeal from
vs. } Socorro County
Robert H. Stapleton, Appellant }

this cause having been at a former day of
this term argued by counsel, and being fully
and duly advised by the Court, the Court
being now sufficiently advised in the premises, announces
its decision of Associate Justice Henderson, reversing
the judgment and decree of the lower Court, and remand-
ing this cause to that Court with directions to grant
leave to said complainants to amend their bill of
complaint therein if they so elect, otherwise to dis-
miss said bill: It is therefore ordered, adjudged
and decreed by the Court that the decree of the
Second Judicial District Court sitting within and
for the County of Socorro in this cause, whereon
the same came into this Court, be and the same
hereby is reversed and set aside and that this cause
be and is remanded to that Court with directions
to grant leave to said complainants and appellees
if they so elect.
to amend their said bill of complaint, otherwise
to dismiss said bill: And it is further ordered,
adjudged and decreed by the Court that said
appellants and defendants recover of said com-
plainants and appellees his costs in this behalf ex-
pended to be taxed and that he have execution
therefor.

And it is ordered that the Court do now adjourn
until tomorrow morning at ten o'clock.

Fifth Day Friday January 21 A. D. 1887.

Fifth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

285 Frederick Demarais Plff in Error. vs. Serrigno Romero Deft in Error } Error to San Miguel County

286 Lorenzo Lopez, Plaintiff in Error vs. Serrigno Romero Defendant in Error } Error to San Miguel County.

Now come the plaintiffs in error in the above entitled cause by their attorney T B Catron Esq and file their assignments of error therein.

248 Jesus Maria Chaves y Garcia Plff in Error vs. Joel P Whitney et al. Defendants in Error } Error to Bernalillo County.

This cause again coming on to be heard upon the record, briefs and assignment of errors, & is further argued on behalf of said plaintiff in error and on behalf of said defendants in error by Geo N. Knaebel Esquire and submitted to the Court and the Court, not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sixth Day. Saturday January 8th A. D. 18 81

Sixth Day

Saturday

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

217 Robert H Stapleton } Appeal from
vs. } Socorro County.
Martin Zimmerman et al. }

On motion of said appellee by his attorney, H. L. Warren Esq. It is ordered that said appellee be & he hereby is given leave to amend his motion to dismiss said appeal heretofore filed herein by striking out thereof "to dismiss the appeal" and by inserting instead thereof "to affirm the judgment", which is now done.

209 The Board of County Commissioners of Socorro County. Plaintiff in Error } Error to Socorro
vs. } County.
James L. Leavitt et als. Deft. in Error }

This cause having been submitted to the Court upon the record, briefs and assignment of errors filed herein at a former term and taken under advisement. The Court being now sufficiently advised in the premises, announces its decision by Chief Justice Long, affirming the judgment of the lower Court for reasons set forth in the opinion on file. Associates Justices Pickett and Henderson concurring. It is therefore considered and adjudged by the Court that the judgment of the Second Judicial District Court sitting within and for the County of Socorro, whence this cause came into this Court, be and the same hereby is affirmed and that in accordance therewith the said petition and alternative writ of mandamus be and they hereby are dismissed and that the defendants go hence without day by reason thereof: that said plaintiff in error pay all the costs of this proceeding to be taxed, as well in the lower Court as in this Court, and that execution issue therefor

Day A. D. 18

236 Charles Wheeler, Plaintiff in error } Error to Colfax
vs } Assumpsit } County
Henry Fick, Defendant in error }

The motion of said defendant in error to strike the record from the files having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision granting said motion, for reasons set forth in the opinion on file, all the members of the Court concurring; It is therefore ordered by the Court that the record and bill of exceptions filed herein be and the same hereby are stricken from the files.

230 John P. Lamy, Plaintiff in Error } Error to Santa
vs. } Fe County.
Placedes Chavez de Lamy, Defendant in Error }

This motion of said defendant in error to dismiss the said writ of error having been argued by counsel and submitted to the Court, the Court being sufficiently advised in the premises, announces its decision dismissing said writ of error; for reasons set forth in the opinion on file, all the members of the Court concurring: It is therefore ordered by the Court that said writ of error be and hereby is dismissed; that said plaintiff in error pay all the costs of this suit to be taxed and that executions issue therefor.

297 Lincoln County Mining Company } Error to
vs. } Sierra County.
James L. Elaney }

This cause having been submitted to the Court at a former day of the present term upon the record, the assignment of errors, the briefs and motion to strike said record from the files, and taken under advisement, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Long, overruling said motion and affirming the judgment of the Court below for reasons set forth in the opinion on file, Associate Justice Bailey concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the Third Judicial District Court within and for the County of Sierra, be and hence this cause came into this Court;

[illegible] plaintiff and defendant [illegible] [illegible] plaintiff and defendant, [illegible] [illegible] [illegible]

Seventh Day Monday January Seventh A. D. 1867

Seventh Day.

Court meets pursuant to adjournment

Present as upon Saturday.

The record of Saturdays proceedings is read and approved.

On motion of Neill & Fitch Esq. It is ordered that Peck ham & Collier, a member of the bar of the supreme Judicial District Court of the Territory of Washington, here and be hereby is admitted to practice as a solicitor, counsellor and attorney of this Court, and he thereupon appeared in open Court and takes the official oath prescribed by the rules of this Court.

On motion of Wm Colvin, Esq and ordered by the Court to admit L. J. Wells as an attorney, solicitor and counsellor of this Court to practice, and it appearing to the Court that said L. J. Wells is qualified under the rules of this Court to be admitted to practice, he was by the Court duly sworn and admitted as such.

The Territory of the Territory } Upon the
vs. } Grand Larceny.
L. J. Caldwell }

Plea guilty and sentence suspended until next term of this Court.

On motion of Mr Bloomer, Ordered by the Court that Edward Hanford be appointed Guardian ad litem for Mary Ann Hanford a minor over the age of fourteen years and under the age of twenty one years, and that he enter into bonds in the sum of Two Hundred Dollars with sureties to be approved by the Court, conditioned according to law, and thereupon the said Edward Hanford appeared in Court and entered into bonds as required by the Court, and took the official oath prescribed by law.

253 Lewis H. Manning et al. Appellants
vs.
Jesse M. Lewis et al. Appellees } Appeal from Sandusky County

Now came said appellants by Hoskins & Brenden, Esquires, Attorney General, and moved the Court here that they might further prosecute their said appeal herein, which motion being sustained by the Court it is ordered that the appeal herein be dismissed and this cause remanded to the District Court of Sandusky County for the County of Sandusky, whence this cause came with this direction to proceed therein as the cause on the appeal had been taken; and that said defendants and appellants pay all the costs of this cause and that execution therefor, issue.

Hc
Wm. H. Williams et al. Appellants } Appeal from Sandusky County
vs.
William Bell et al. Appellees

It is ordered that this cause be set down for hearing on to-morrow morning.

Mc
L. Frances Shaw et al. Appellants } Appeal from Wayne County.
vs.
Geo. W. Newmyer et al. Appellees

May
Henry Carmichael et al. Appellants } Appeal from Franklin County.
vs.
Henry Albert et al. Appellees

These causes having been called for hearing are passed for want of time for hearing on the docket lay of the present term.

Mc
Jefferson Fitzgerald } Appeal from
vs. Miami Co.
Abraham Fleetwell.

This cause having been called for argument and the parties respectively announced is passed to the docket of the Supreme Court.

Mc
John Martin et al. Appellants } Appeal from
vs. Jersey Co.
Cornelius Hostetter et al.

This cause having been called for trial and the parties announced is passed to the docket of the Supreme Court.

273 Junior Leyser, Appellee. vs. Neill B. Field Appellant } Appeal from Socorro County.

It is ordered that this cause be & is reset for the twenty first day of this term.

279 Lyons and Campbell vs. James Woods } Appeal from Grant County.

It is ordered that this cause be reset for the twenty second day of this term.

299 The Territory of New Mexico vs. P. J. O'Donnell } Appeal from Grant County.

Now come said parties by their respective attorneys by written stipulation by counsel it is agreed that the motions for a new trial and in arrest of judgment shall be considered as a part of the bill of exceptions herein the same as though they were included therein; It is therefore ordered that the motions for a new trial and in arrest of judgment shall be considered as a part of and included in the bill of exceptions herein and thereupon it is ordered that this cause be set down again for hearing on next Monday morning with leave to said defendant to file additional briefs.

307 Evans Fraichero Appellee vs. Georg Baggs Appellant } Appeal from Dona Ana County.

This cause coming on to be heard upon the motion of said appellee to strike the transcript of record herein from the files, and the affidavits in support of and against said motion, is argued on behalf of said appellee by S. B. Newcomb Esq and on behalf of said appellant by William Breeden Esq and submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrows morning at ten o'clock).

Ninth Day Wednesday January Fourth A. D. 1854.

Ninth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

Joseph Coleman et al
vs.
Philander Bell et al. Appellants } Appeal from Scott County.

Now comes said defendants & appellants & file their motion to strike this cause from docket,

Charles Wheeler Plff in error
vs.
Henry Dick Deft in Error } Appeal from Cedar County.

Now comes said plaintiff in Error & files his motion to reverse the judgment of the Lower Court and grant a new trial.

234

Slater Land Improvement Company
vs.
Charles H. Gildemeester } Error to Scott County

287

This cause is now called for hearing & the parties not being ready to proceed for the present day of this Term.

Lysander Nichols Plff in Error
vs.
Simeon H. Laughlin Deft in Error } Error to Scott County.

253

This cause is now called for hearing & appeal dismissed at plaintiffs cost pursuant to agreement of the parties.

Francis Lemmon et al Plaintiffs in Error
vs.
Phillip Pollock et al Deft in Error } Error to Scott County.

284

This cause coming on to be heard upon the transcript, arrangement of counsel, & briefs on file thereon & argued by Mr Pollock for the Defendants in Error & submitted to the Court for consideration, whereupon it is considered by the Court that the judgment in the premises, be & the same is hereby affirmed with

Day A. D. 18

Ja. Ja. Pierce et al. Appellees
vs. Appeal from
Wm. Cleveland, Appellant Circuit Court.

It is ordered that the mandate to issue upon the filed stipulation for costs, and that the costs for transcript be taxed against the appellant.

Edward E. Hennequey, Estate. Appeal from Jackson County.

It is ordered that this cause be set down for trial at the succeeding term of Court on the twenty first day of this term.

The Inhabitants of Hannibal Appeal from Ralls
vs. do. Circuit County.
Preston Porter, Appellant

This cause coming on to be heard upon the record, briefs and file herein, is argued by counsel and thereupon the further consideration of said cause is continued until tomorrow morning at nine o'clock A.M.

Tenth Day Thursday January Nineteenth A. D. 1871

Tenth Day.

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read and approved.

239 Jesus B. Lamy, Plff in Error } Error to Santa Fé County.
vs
Mercedes Chaves de Lamy }

It is ordered that the motion of said plaintiff in error for a writ returning heretofore filed herein be and is hereby set down for hearing on the twenty third day of this term.

28 Juan Gonzalez Sena, Plaintiff in Error } Error to
vs. } Rio Arriba
The Territory of New Mexico, Defendant in Error } County

Now comes said defendant in error by her Attorney and confesses that there is error in the said record as assigned by said plaintiff in error. And thereupon the Court considered and adjudged by the Court that the judgment in the cause of the First Judicial District Court sitting within and for the County of Rio Arriba wherein this cause came into this Court be and the same hereby is reversed and set aside and said cause dismissed; that said defendant, plaintiff in error, go hence without day and recover of said plaintiff defendant in error his costs in this behalf expended and that writ in the lower Court and in this Court be issued.

990 Lorenzo (J.) Durton et al, Plaintiffs in Error } Error to
vs. } Santa Fé
The Texas Santa Fé & Northern Railroad } County
Company

This cause coming on to be heard upon the record, proceedings and errors, and briefs of counsel, as argued by Edward L. Bartlett, Esquire, on behalf of said plaintiffs in error, and by Lorenzo C. Jones, Esq. on behalf of said defendant in error, and duly considered, it is ordered that the cause stand submitted to the Court for its decision.

294 The Territory of New Mexico, Appellee; } Appeal from
vs. } Grant County.
Kinds[illegible] of Brothers Co. Corporation, Appellant } Same Def-
endant Co.

Upon the stipulation of said parties now filed herein
It is ordered that this cause be reset for hearing on the
twenty third day of the present term.

297 John E. Jennings, Appellee; } Appeal from
vs. } District Court.
Simri Boos et al, Appellants

Now comes said plaintiff in appellee by his attorney
Messrs. Ticket, Elliot & Elliott and moves the Court to
strike the record herein from the files upon reasons set
forth in his motion on file in said motion being ar-
gued by counsel as well for said defendant and appel-
lant as for said plaintiff and appellee, and the Court
appearing for defendant, and submitted to the Court the
Court not being sufficiently advised in the premises takes
the same under advisement.

299 The Territory of New Mexico, Appellee; } Appeal from
vs. } Grant County.
P. J. C'Donnell, Appellant

This cause upon motion for hearing on the records,
the stipulation of said parties by the order of this Court
thereon, and the briefs on file herein, is argued on be-
half of said defendant & appellant by Mr. Orlando L. Finlay
and on behalf of said plaintiff & appellee by Mr. Simmons-
den, Attorney General, and with ... to the Court
the Court not being sufficiently advised in the premis-
ses takes the same under advisement.

307 Evans Brothers, Appellees; } Appeal from
vs. } Grant County.
George Baggs, Appellant

The motion of said plaintiffs and appellees to strike
the record herein from the files, having been argued
by counsel, and submitted to and taken under advise-
ment by the Court at a former day of the term, the
Court being now sufficiently advised, grants and sus-
tains said motion for reasons stated in the opinions
by Associate Justice Parker, on file, all the members
of the Court concurring. It is therefore ordered by the
Court that the transcript of record released by the
lower Court in this cause be, and the same hereby is, stricken from the files. It is ordered that the Court do now adjourn until 9 o'c.

Eleventh Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

255 Gregorio Trujillo de Arroyo et al. Appellants } Appeal from
vs. } Bernalillo
Nicolas J. Arroyo et al. Appellees. } County.

This cause having been submitted to the Court upon the record, briefs & arguments of counsel & is therefore taken under advisement, & the Court, having now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, reversing the judgment of the Court below & remanding the cause to said Court with directions to award a new trial & to proceed further in the hearing & determination thereof according to law: It is therefore considered & adjudged by the Court that the judgment in the cause of the Plaintiffs against the Defendants & the Sheriff & his sureties in said Court be & the same is reversed & the said cause remanded to said Court with directions to award a new trial & to proceed further in the hearing & determination thereof according to law.

297 [illegible] vs. [illegible] } Appeal from
[illegible] } Bernalillo
[illegible] } County.

[illegible]

Fifteenth Day Saturday January Fifteenth A. D. 1887.

Fifteenth Day.

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

2284. Joseph Coleman et al. Plaintiffs in Error
vs.
Williams Bell et al. Defendants in Error

} Error to District Court of Dona Ana County.

This cause having been submitted to the Court for consideration & argument by the Court at a former day of the present term, the Court, being now sufficiently advised, announce their decision by Associate Justice Henderson, affirming the judgment of the Court below for reasons stated in the opinion on file. Associate Justice Bunker concurring. It is therefore considered & adjudged by the Court that the judgment in this cause of the First Judicial District Court of the Territory of New Mexico, sitting within & for the County of Dona Ana, thence this cause came with this Court, be & the same is hereby is affirmed & that in accordance therewith, the said plaintiffs, Joseph Coleman & Fannie Coleman recover against said defendants, Williams Bell et al. the possession of all that certain tract of land & real estate situate lying & being in the County of Dona Ana Territory aforesaid, bounded & described as follows, to wit: Lots numbered twenty six (26) in block nine (9) twenty four (24) on the town of Las Vegas as shown on plat of said City duly recorded, which said plat was made by Peter Campbell, C.E. & filed & recorded in the office of the County Clerk of said County & Territory aforesaid, together with the buildings situate thereon & that they recover of said defendants in error, their costs in this behalf expended in the Court below as taxed & that upon the payment by them to said defendants of the sum of two hundred dollars hereinafter to be mentioned, they have a writ of possession & execution therefor; & it is further considered & adjudged by the Court that said defendants in error, their agents, servants & attorneys, & all persons claiming under them, do forthwith deliver to said plaintiffs, Joseph Coleman & Fannie Coleman the quiet & peaceable possession of the premises aforesaid, & that they have & recover of said defendants in error, the sum of three hundred dollars, the value of the improvements placed upon said premises in excess of the amount of the mesne profits accrued to them therefrom, as found by the Court, & that they have execution therefor; & it is further considered & adjudged by the Court that

said defendants in error recovering of said plaintiffs in error their costs in this behalf in this behalf to be taxed and that they have execution therefor.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Thirteenth Day.

Court meets pursuant to adjournment

Present as upon Saturday.

The record of Saturday's proceedings is read and approved.

25 The United States of America, Plaintiffs in Error } Error to
vs } Chancery
Otho Leyendecker et al. Defendants in Error } Circuit District

This cause said defendant in error Robert H. Hill by his attorneys Wilson & Wilcoxen and Knaebel and moved the Court to quash said writ of error for reasons set forth in his motion on file and said motion being argued by counsel, & Burnes Esq appearing for said plaintiff in error and submitted to the Court, the Court not being sufficiently advised in the premises, takes the same under advisement.

285 Frederick Lemmon, Plaintiff in Error } Error to
vs } San Miguel
Benigno Romero, Defendant in error } County

286 Concepcion de Lopez y, Plaintiff in error } Error to San
vs } Miguel County
Benigno Romero. Defendant in error

Upon the stipulations of said parties by their respective attorneys now filed herein, It is ordered that the foregoing two causes be and hereby are set for hearing on the twenty third day of the present term

294 Lynch & Rochester, Appellees } Appeal from 4th
vs } Dist Court
Grayson and Owen, Appellants

[illegible] the stipulations of said parties by their respective [illegible] [illegible] [illegible]

Fourteenth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved

294 The Territory of Minnesota } Appeal from Ramsey
vs. } County
Henry Anderson, Appellant }

By agreement of said parties by their respective attorneys this cause is submitted to the Court upon the record & briefs on file herein & the Court not being sufficiently advised in the premises, takes the same under advisement.

295 The Territory of Minnesota } Appeal from
vs. } Bernalillo County
Francis Cabinol, Appellant }

This cause is now called for hearing & it appearing to the Court that said appellee was not served with appellants brief until this morning & that appellee is not ready to proceed, It is ordered that the cause be set for the fourth Friday of the present term.

296 The Territory of Minnesota } Appeal from
vs. } Socorro County.
Joseph Thurman

This cause coming on to be heard upon the transcript of record & briefs filed herein, it is agreed on behalf of said defendant & appellant by Hon. J. S. Sibley & Hon. H. L. Moss on behalf of said appellee by the Attorney General Hon. J. M. Shreeder & submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

308 James Chisholm & Wife } From Dona Ana
vs. } County.
John Myers & Wife

It is ordered that this cause be stricken off the docket on the motion of said defendants & for the reason that the Court has no jurisdiction of the subject matter of the suit.

Fourteenth Day Tuesday January Eighteenth A. D. 1814

[illegible] Court of this County, [illegible] [illegible] [illegible] of [illegible] [illegible] of the Peace [illegible] [illegible] [illegible]

[illegible]

[illegible] proceedings to be had herein

[illegible]

[illegible] record of proceedings & order of Court herein.

John Lyons, Admr &c, Plff in Error } Error to Sierra
vs } County.
John Lyons, Admr &c, Deft in Error

308

This cause coming on to be heard upon the motion of said defendants in error to strike this cause from the docket, and upon the certificate of the Clerk of this Court to the effect that no process has been issued out of this Court in this cause, is argued on behalf of said defendants in error by Messrs. Culverwell & Cluney, and on behalf of said plaintiff in error by Messrs. Barnes & Harris, and submitted to the Court and the Court not being sufficiently advised in the premises, take the same under advisement.

John M. Leonard et al, Appellees } Appeal from
vs } Sierra County.
Lyman E. Fellenberg, Appellant

This cause coming on to be heard upon the motion of said appellee to strike the record on file herein from the files, is argued on behalf of said appellee by Mr. A. A. Elliot, and on behalf of said appellant by J. Hall Esq and submitted to the Court and the Court not being sufficiently advised in the premises, take the same under advisement.

307

Charles C. Dell'o et al, Appellants } Appeal from
vs } Yuba County.
James Woods, Appellee

This cause coming on to be heard upon the record, assignment of errors & brief filed herein is argued on behalf of said appellants by J. Hall, & Bigler, and submitted to the Court. And the Court not being sufficiently advised in the premises takes the same under advisement.

This ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sixth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

302 John A Deeney, Appellee } Appeal from
vs } Sierra County
Henry H Falkenberg, Appellant }

This cause coming on to be heard upon the motion of said appellee to strike the record from the files, & a former day, the Court being now sufficiently advised in the premises, overrules said motion for reasons to be stated in the opinion hereafter to be filed. It is therefore ordered by the Court that said motion be & hereby is overruled. & thereupon this cause coming on to be heard upon the record assignment of errors, joinder in error & briefs filed herein, is argued by H C Ellis Esq on behalf of appellee, appellant not desiring to argue the cause, and submitted to the Court & the Court not being sufficiently advised in the premises, takes the cause under advisement.

303 Frank O Mulvey, Appellant } Appeal from
vs } Plumas Co.
A. Staab & Co. }

This cause coming on to be heard upon the record, assignment of errors & briefs filed herein, is argued by H C Ellison on behalf of appellant and by A B Childers on behalf of appellee & submitted to the Court & the Court not being sufficiently advised in the premises, takes the cause under advisement.

304 The Oregon Manufacturing Company } Appeal from
vs } Grant County
Hiram L Hardee et al Appellants }

This cause coming on to be heard upon the record, assignment of errors & briefs filed herein, is argued by A B Elliot Esq on behalf of appellants, said appellee not desiring to argue the cause, and submitted to the Court & the Court not being sufficiently advised in the premises, takes the cause

Day ... A. D. 18..

under advisement

Cremation of William Kreeden, Esq. Atty. released from W. William M. McAtkins a member of the bar of the Third Judicial District Court of this Territory, be and he hereby is, admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of this Court.

267 Augustus Redewill, plaintiff and appellee } Appeal from
vs. } Grant County
Thomas Gillen, Appellant }

This cause having been submitted to the Court upon the record and briefs filed herein, and taken under advisement at a former term of this Court the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Brinker, affirming the judgment of the Court below, for reasons set forth in the opinion now filed, all the members of the Court concurring; It is therefore Considered and adjudged by the Court that the judgment in this cause of the Third Judicial District Court of this Territory, sitting within and for the County of Grant, wherein this cause came and this Court, be and the same hereby is affirmed and that the plaintiff and appellee, Augustus Redewill in accordance therewith, recover of said defendant, Thomas Gillen, the possession of the piano in controversy herein and described in plaintiff's declaration, and that he have a writ pro hac vice to return therefor; that said plaintiff also recover of said defendant the sum of thirty six dollars per annum from the twenty third day of December, 1884, together with his costs in this behalf expended, as well in the lower Court as in this Court for which execution therefor is to be issued and that he have execution therefor.

304 James Chiesman et al, Appellants } Grant County.
vs. }
John Chapman et al, Appellees }

This cause having been regularly docketed and submitted to the Court upon the motion of the appellees to dismiss the appeal herein, and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Brinker, sustaining the motion of the appellees to dismiss the appeal herein, for the reason that the

Court being now sufficiently advised in the premises Announces its decision by Chief Justice Long. affirming said order & dismissing this cause from the docket for reasons set forth in the opinion of all the members of the Court concurring; It is therefore ordered by the Court that this cause be & hereby is. stricken from the docket.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Seventeenth Day.

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved

256 The Territory of New Mexico ex rel. Edward C. Hadley vs. Quo Warranto } Singleton M. Scheufeller } Appeal from District Court Sierra County.

This cause having been submitted to, and taken under advisement by the Court at a former term, the Court, not being now sufficiently advised in the premises, announces its decision by Chief Justice Long. affirming the judgment of the Court below. for reasons stated in the opinion on file Associate Justice Brinker concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the Third Judicial District Court sitting within and for the County of Sierra, whence this cause came into this Court, be & the same hereby is. affirmed and that in accordance therewith, the said defendant; Singleton M. Scheufeller is not entitled to the possession of the said office of District Attorney of the Third Judicial District of the Territory of New Mexico & that he unlawfully holds the same and exercises & usurps said functions thereof without authority of law; that said relator Edward C. Hadley is the lawful district attorney for said Third Judicial District of said Terri-

Ray and hereby entitled to the possession of said office and to exercise the powers and perform the duties and receive the emoluments thereof. And it is further considered and adjudged that the said Singleton W. Ashenfelter be removed from said office and the possession thereof to said Edward C. Wade. And the said Singleton W. Ashenfelter be and he hereby is, ousted therefrom and it is further considered and adjudged that Singleton W. Ashenfelter pay the costs of this proceeding, as well in the lower Courts in this Court to be taxed and that execution issue therefor; and it appearing to the Court that said respondent Singleton W. Ashenfelter as principal and George F. Patrick and Idus L. Fielder as securities entered into a recognizance into the Territory of New Mexico for the use of Edward C. Wade, in the penal sum of eight hundred dollars, conditioned as provided by law, for the stay of execution of said judgment until the judgment and decision of this Court in this cause, and it is further considered and adjudged by the Court that the Territory of New Mexico for the use of Edward C. Wade recover of said Singleton W. Ashenfelter, George F. Patrick and Idus L. Fielder the sum of eight hundred dollars, the penalty of said bond, and the costs aforesaid and that execution issue therefor.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Eighteenth Day Saturday January 22 A. D. 1887.

Eighteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

300 John A. Deeme vs. George H. Falkenberg } Appeal from Sierra County

This cause having been submitted to & taken under advisement by the Court at a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Belcher, affirming the judgment of the lower Court for reasons stated in the opinion on file, Chief Justice Long concurring; it is therefore ordered & adjudged by the Court that the [illegible] Court of the Third Judicial District of the County of Sierra be and the same hereby is affirmed & that in accordance with said plaintiff, John A. Deeme's prayer of the defendant, George H. Falkenberg, the possession of the following described premises, to wit: Lot No. two (2) in Block No. five (5) in the town of Kingston, County of Sierra Territory of New Mexico, said lot fronting twenty feet on Main Street in and down extending back from said Main Street one hundred feet & is also situated on the Lulu Mining Claim & that he have & recover possession thereof; that said plaintiff also recover of said defendant, George H. Falkenberg the sum of one hundred & fifty dollars, his damages with interest thereon at the rate of six per cent per annum from November 12, 1886, together with his costs in this behalf expended to be taxed, as well in the lower Court as in this Court & that he have execution therefor; and it appearing to the Court that James E. McArdle & William Doyle & Jerry H. Simmons are sureties on the appeal bond, this further considered & ordered & adjudged by the Court that said plaintiff recover of said James E. McArdle, William Doyle & Jerry H. Simmons, sureties as aforesaid, the said sum of two hundred & fifty dollars, together with interest & costs as aforesaid & that he have execution therefor.

It is ordered that the Court do now adjourn until this day morning at 9 o'clock.

Thirteenth Day

Court meets pursuant to adjournment.

Court rises upon Saturday

The record of Saturdays proceedings is read & approved.

303 Frank Whitney, Appellant } Appeal from
vs. } Bernalillo County.
A. Smith and Company }

This cause having been argued by counsel & submitted to the Court under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, affirming the judgment of the Court below for reasons stated in the opinion of the Court on file, all the members of the Court concurring: It is therefore considered & adjudged by the Court that the judgment in this cause of the Second Judicial District Court of this Territory, sitting within & for the County of Bernalillo, whence this cause came into this Court, be & the same hereby is affirmed & that in accordance therewith said plaintiff take nothing by his suit; that the defendants go hence without day & recover of said plaintiff their costs in this behalf expended, & in the lower Court as well as in this Court, & be taxed and that they have execution therefor.

310 The Territory of New Mexico } Appeal from San
vs. } Miguel County.
Thomas Williamson, Appellant }

This cause coming on to be heard upon the transcript of record & briefs on file herein, it is argued on behalf of said appellant by E. A. Fiske, Esquire, & on behalf of said appellee by Leslie Esquire & submitted to the Court & the Court being sufficiently advised in the premises, doth so order the same under advisement.

3112 The Territory of New Mexico vs. Manuel Chavez, Appellant } Appeal from Bernalillo Co.

The Board of County Commissioners of Bernalillo County vs. Manuel Chavez, Appellant } Appeal from Bernalillo County.

It being suggested to the Court that the original poll books of all the precincts of Bernalillo County at the last general election held in said County on November 2, 1886, have not been sent up to this Court; the Probate Clerk of the Probate Court of said County of Bernalillo, as directed by the Judge of the Second Judicial District, it is ordered that the said Clerk be and he hereby is directed and ordered to send up to this Court, said original poll books forthwith upon the receipt of a copy of this order. And thereupon this cause coming on to be heard upon the record, assignment of errors and brief filed herein is argued by Al B. Field Esq on behalf of said appellant and by Al A. Childers on behalf of said appellee, and submitted to the Court and the Court being sufficiently advised in the premises, takes the same under advisement.

3111 The Territory of New Mexico vs. Peter Zimmerhaus, Appellant } Appeal from Bernalillo County.

Now comes the Attorney General and files his motion to dismiss said appeal and an affidavit in support thereof. And it is ordered that said motion be and is set down for hearing on to-morrow morning.

3121 Ex Parte James Chrisman et al } Petition for Certiorari

Now comes said petitioners by their attorney H. L. Warren, Esq and files his petition for certiorari and it is ordered that said petition be set down for hearing on to-morrow morning.

266 Joseph Coleman et al vs. William Bell et al. } Appeal from Third Judicial County.

336 Charles Wheeler, Plaintiff in Error vs. Henry Fierro, Defendant in Error } Appeal from Wilson County

319 Pedro Gonzales, et al. vs. Gil. Chaves

320 Pedro Torres, et al vs Same

317 Robert H. Stapleton vs Martin Zimmerman et al. } Chancery

318 Peregrino Chiafo vs The Second National Bank of New Mexico } Assumpsit.

234 [illegible] Lamy, Plaintiff in Error vs. Mercedes Chaves de Lamy } Appeal from Santa Fe County.

This cause coming on to be heard before the Court upon the motion of the Plaintiff in Error to dismiss the writ of error heretofore issued herein, and the Court being now sufficiently advised in the premises, announces its decision, affirming the judgment of the Court below, whereupon Attorneys Ochiltree and Catron for plaintiff in error and Attorneys Prince and Long, for defendant submitted the opinion on file. Associate Justice Henderson announcing. It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of this Territory sitting within and for the County of Socorro be and the same hereby is affirmed. And that said judgment be carried into effect by the Sheriff of Socorro County or some Coroner in the County of Socorro on Friday, February Eighteenth, 1887 between the hours of 10 A.M. and 4 P.M. of said day by hanging said defendant, Jesper Thomason by the neck until he be dead, unless the Governor of this Territory shall issue his warrant upon application for an earlier day. And that the Sheriff of Socorro County return a certified transcript of the record, containing the evidence and judgment of the Court in this cause, together with a certified copy of the judgment of this Court.

296 The Territory of New Mexico, Appellee vs. Jasper Thomason, Appellant } Appeal from Socorro County

This cause coming on to be heard by counsel, and submitted to the Court upon the argument by the Attorney General of the Territory and Attorneys Ochiltree and Catron for appellant and Attorneys Prince and Long for appellee and the opinion on file, Associate Justice Henderson announcing. It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of this Territory sitting within and for the County of Socorro be and the same hereby is affirmed. And that said judgment be carried into effect by the Sheriff of Socorro County or some Coroner in the County of Socorro on Friday, February Eighteenth, 1887 between the hours of 10 A.M. and 4 P.M. of said day by hanging said defendant, Jesper Thomason by the neck until he be dead, unless the Governor of this Territory shall issue his warrant upon application for an earlier day. And that the Clerk of this Court transmit to the Governor of this Territory a certified transcript of the record, containing the evidence and judgment of the Court in this cause, together with a certified copy of the judgment of this Court.

It is ordered that the Court do now adjourn until tomorrow morning at nine o'clock

Merchant Day Merchant ... A. D. 1857.

[illegible]

[illegible]

[illegible]

[illegible] Error [illegible]

Error

Tierney Dick Defendant in Error

vs.

Tierney Dick Plaintiff in Error

Error to the Circuit Court.

This cause coming on to be heard & argued by the Counsel for the respective parties upon the transcript of the record & proceedings & argument & it appearing to the Court here that there is manifest error in the rendition of the judgment aforesaid & that the Plaintiff in Error has sustained damage by reason thereof it is considered by the Court that the said judgment be reversed & held for nought & that the Plaintiff in Error recover against the Defendant in Error his costs & charges by him about his suit in this behalf expended & that a mandate issue to the Circuit Court of Cook County aforesaid commanding the said Court to cause execution to be awarded for the said costs & charges.

319

Pedro Perez et al Commissioners &c Appellants

vs.

Charlotte Chavez, Appellee.

Appeal from the Probate Court of Cook County.

This cause coming on to be heard upon the transcript of the record & proceedings & argument of counsel & it appearing to the Court here that there is manifest error in the judgment of the Court below in this cause in this that the said Court below rendered judgment against the said Commissioners for the sum of Two Hundred & Fifty Dollars & Seventy Five Cents & costs of suit whereas it should have rendered judgment against the said Commissioners for the sum of Two Hundred & Fifty Dollars & Seventy Five Cents & costs of suit to be levied of the goods & chattels of the said Commissioners & for want thereof of the body of the said Commissioners & that the said Court below

[illegible] Term, A.D. [illegible] Appeal from
[illegible] C.P. } Remitter
[illegible] Term } Costs.

And now to wit, this [illegible] day of [illegible] A.D. 18[illegible] before the Judges in Banc, came the parties aforesaid by their respective attorneys aforesaid, whereupon the record and proceedings aforesaid being inspected and mature deliberation being had thereupon, and it appearing to the Court here that the said Court of Common Pleas of Schuylkill County, in giving judgment in favor of the said plaintiffs, and against the said defendant, have proceeded according to the course of the Common Law, and the Act of Assembly in such case made and provided, it is considered and adjudged by the Court here that the said judgment be affirmed with costs; and it is further considered and adjudged by the Court here that the said plaintiffs recover against the said defendant, their damages by the said Court here assessed for their costs by them about their suit in this behalf expended, and that they have execution therefor.

92. [illegible] Term, [illegible] } Appeal from
C.P. } Remitter
[illegible] Term } Costs.

And now to wit, this [illegible] day of [illegible] A.D. 18[illegible] before the Judges in Banc, came the parties aforesaid by their respective attorneys aforesaid, whereupon the record and proceedings aforesaid being inspected and mature deliberation being had thereupon, and it appearing to the Court here that the said Court of Common Pleas of Schuylkill County, in giving judgment in favor of the said plaintiffs, and against the said defendant, have proceeded according to the course of the Common Law, and the Act of Assembly in such case made and provided, it is considered and adjudged by the Court here that the said judgment be affirmed with costs; and it is further considered and adjudged by the Court here that the said plaintiffs recover against the said defendant, their damages by the said Court here assessed for their costs by them about their suit in this behalf expended, and that they have execution therefor.

Record of said defendant Damian Baca. The possession of the following described land and premises, to wit; lying and being in the County of Socorro in said Territory of New Mexico and bounded on the north by waste lands of Reserva del Borque, on the east by lands of Silvestre Abeitia and waste lands of the Reserva del Borque, on the South by lands of Juan Antonio Sandeino and on the west by the railroad track and that plaintiff recover of said defendant Damian Baca his costs in this behalf expended and that he have execution therefor: and it appearing to the Court that Jesus Lopez Carabajal and J. Franco Chavez are sureties on the appeal bond herein, It is further considered and adjudged by the Court that said plaintiff recover of said Jesus Lopez Carabajal and J. Francisco Chavez are sureties on the appeal bond herein. It is further considered and not judged by the Court that said plaintiff recover of said Jesus Lopez Carabajal and J. Francisco Chavez and their said deputies bail appealed, together with said defendant their costs in this behalf expended, in the Court below and in this Court and that they have execution therefor.

Robert M. Stapleton, Appellee
vs.
Martin Zimmerman et al. Appellants

} Appeal from District Court

Now comes said appellee by his solicitor, H. L. Warren, Esq. and moves the Court to affirm the judgment and decree of the lower Court in this cause for the reason that said appellants have failed to file in the office of the Clerk of this Court, a transcript of the record in this cause at least ten days before the first day of this term, to which said appeal was returnable, and said appellee moves further of the Court such transcription the Court, being sufficiently advised in the premises, grants said motion: It is therefore considered and adjudged and decreed by the Court that the judgment and decree in this cause of the Second Judicial District Court of this Territory sitting within and for the County of Socorro, wherein this cause came into this Court be and the same hereby is affirmed and that in accordance there-

217

with the said defendant, that the said plaintiff recover of and
the complainant, Richard Mortimer, the amount in said
said by this provisional decree July 25 1882, provided
the said complainant give security as above, for the amount
dollars, with interest thereon as by this decree, from
July 25, 1882, and at the date of said decree as the sum
Court, to wit; April 8, 1886, amounting to the sum of
two thousand four hundred and forty three dollars &
gether with interest upon said sum as aforesaid, from
to be computed thereon from that day at the rate of
six per centum per annum within sixty days from
this date; and that said defendant also pay the costs
of this suit to be taxed by the Clerk of this Court, in
favor of the complainant and the solicitors of this Court, that if
said payment shall be made as aforesaid, this provisional
decree as to the said defendant, shall cease, and be of no
effect; but in default thereof, this decree shall remain
in full force and effect; and it is further ordered
that the complainant have leave to apply to the Court
from time to time, as may be necessary or proper
for the due execution of this decree, and for any order
in the premises, which may be necessary or proper
for the due execution of this decree, and for any order
in the premises, which may be necessary or proper

[illegible]

[illegible] Socorro [illegible] said [illegible]
[illegible] Socorro [illegible] said [illegible]
[illegible] said [illegible] and [illegible]
[illegible] said [illegible] and [illegible]
[illegible] said [illegible] and

with the cost of said sale over and above the sum due the purchaser money with ten per cent thereof on the receipt of the Complainant or his solicitor for the amount so paid and file the same with his report,

That said special master bring the surplus money into Court, if there be, without delay and in case of a deficiency that he report the amount of such deficiency and that the purchaser or purchasers at such sale be let into possession of the premises on production of the said special master's deed,

And it is further ordered, adjudged and decreed that the said defendants and each of them and all persons claiming by, through or under them, since the commencement of this suit be foreclosed of and from all equity of redemption and claim of, in and to said mortgaged premises or any part thereof in and by this decree ordered to be sold, and it is further ordered that said special master report his acts and doings hereunder with all convenient speed.

Robert H. Stapleton
vs.
Martin Zimmerman

317 } Appeal from Bernalillo County

On motion of said complainant by his solicitor, H. L. Warren, Esquire, It is ordered that the decree of the lower Court, which has been affirmed be amended nunc pro tunc as of the date of entry of said decree in the lower Court by the insertion of the name of Lorin A. Miller as the special master thereby appointed to execute said decree.

George Shäfer, Appellee
vs.
Second National Bank of New Mexico

318 } Appeal from Santa Fé County.

Now comes said plaintiff and appellee and presents in the Court here a duly authenticated record of proceedings had herein in the lower Court and moves the Court to affirm the judgment in said cause of the lower Court for the reason that this cause of the lower Court for the reason that said defendant has failed to file in the office of the Clerk of this Court at least ten days before the first day of this term hereof which said appeal was returnable, such ten days' notice of damages for delay; and said motion in behalf of said appellee Francis Downs, Esquire on behalf of said appellee and by his leave Hon. Thos. B. Catron

and submitted to the Court for the Court, not being sufficiently advised in the premises, takes the same under advisement.

The Territory of New Mexico } Appeal from Lincoln
-vs- } County.
321-1 Ellen Trimble, Appellant }

Now comes said plaintiff, appellee by her Attorney General, and moves the Court to dismiss said appeal for reasons shown in the accompanying affidavit on file, and said motion being argued by counsel, as well for said defendant as for said plaintiff, & objections appearing for said defendant, and submitted to the Court, and the Court, not being sufficiently advised in the premises takes the same under advisement.

327 Ex Parte James Chisum et al } Petition for Certiorari

Now come James Chisum, Pitzer M. Chisum, William Robert, Robert Chisum and Anthony Chisum by their solicitor H S Warren Esq and move the Court to grant unto them a writ of certiorari directed to the District Court of the Third Judicial District of this Territory, and to the Honorable W. B. Henderson, Judge of said Court and to W. W. Mullin, Clerk of said Court requiring them to certify to this Court forthwith the record and proceedings of said Court, sitting within and for Lincoln County in the cause lately pending in said Court wherein John Myers, Administrator &c and others were complainants and said petitioners were respondents and said motion being argued by counsel H S Warren Esq on behalf of said petitioners and H Waldo, J B Catron and F T Clancy against the same, and submitted to the Court, & the Court not being sufficiently advised in the premises takes the same under advisement.

William Dawson, } Appeal from Doña Ana
332 -vs- } County.
George Griggs, Appellant }

Now come said parties by their respective attorneys and present to the Court here an agreement of the record in this cause and also their stipulation by which it is agreed that the judgment in this cause of the dorsen Court shall be affirmed and that execution thereon shall be stayed for six months

Day ..... A. D. 18 .....

from this date. And it is therefore, in accordance with the said stipulation, considered and adjudged by the Court that the judgement of the Third Judicial District Court of this Territory sitting within and for the County of Doña Ana, be and the same hereby is affirmed. And thereupon in accordance therewith, said plaintiff William Dearmer recover of said defendant George Daggs, the sum of five hundred dollars, with interest thereon from the 20th day of November, 1886, at the rate of six per cent per annum together with his costs herein and expended, as well in the Lower Court as in this Court, for which let execution therefor issue. And it appearing to the Court that Martin Lohman and Thorbus Freudenthal are securities on the appeal bond herein; It is further considered and adjudged by the Court that said plaintiff, William Dearmer, recover of said defendant's securities, Martin Lohman and Thorbus Freudenthal, the said sum of five hundred dollars together with interest and costs as aforesaid and that he have execution therefor.

On motion of D. P. Nicoomb Esq. It is ordered that W. W. Howard, a member of the bar of this Third Judicial District of this Territory, be and he is hereby admitted to practice as an attorney & solicitor in connection with this Court and thereupon came into open Court and took the official Masonic oath prescribed by Sec. 2 Chap. 1 of Laws of Attorney.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Twenty first Day Wednesday January Seventh A. D. 1851

Twenty First Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

229 John D. Conway Plaintiff in Error } Error to
vs. } 1st Dist.
Nicholas Conway, Defendant in Error } San Miguel Co.

Now comes said plaintiff in error by his Attorney Harrison Bburn Esquire & moves the Court for a rehearing herein for reasons stated in his motion on file and said motion is argued by counsel by Mr. Burn on behalf thereof & by J. B. Salazar in opposition thereto, & submitted to the Court and the Court, not being sufficiently advised in the premises, takes the same under advisement.

230 James M. Stonerod, Plaintiff in Error } Error to
vs. } First District
George W. Stonerod, Defendant in Error } San Miguel County

This cause having been submitted to & taken under advisement by the Court, at a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson affirming the judgment of the Court below, for reasons stated in the opinion on file, Associate Justice Prince concurring: It is therefore considered and adjudged by the Court that the judgment in this cause of the First Judicial District Court of this Territory, sitting in and for San Miguel county, whence this cause came into this Court be & the same hereby is affirmed & that in accordance therewith said defendant George W. Stonerod, plaintiff below, recover of said plaintiff in error, James M. Stonerod, defendant below, the possession of the following described lands & premises, situate within the County of San Miguel Territory of New Mexico, to wit: all and singular that certain tract or grant of land commonly known and called the Preston Beck Grant situate in the said County of San Miguel & Territory of New Mexico and more particularly described and bounded

as follows: Court [illegible] ... [illegible] ... [illegible]
or Land of Geo. Anderson, [illegible] ... [illegible]
Agency de la Ley ... [illegible]
the real Estate ... [illegible]
the pris[illegible] of the Sale ... [illegible]
have a Writ of [illegible]
Considered and Adjudged by the Court that Defendant in error Recover of Plaintiff in error, James [illegible] Sheriff ... of
Behalf expended, as well in the Lower Court as in
this Court to be taxed. And that he have Execution
therefor.

260 Joseph Coleman et al. vs. William Hall et al. Appeal from Dane Co.

Now come said appellees by their Attorney H. D. Lee Esquire and present to this Court here a transcript of the record herein and move the Court to affirm the judgment of the Court below for reasons stated in their motion on file and Ordered that said motion be granted by consent and the judgment of the Court below be affirmed with costs and that the Clerk of this Court proceed to tax the costs of this appeal and issue execution therefor.

[illegible] vs. [illegible] Appeal from [illegible]

Now this cause coming on to be heard upon the transcript of the record herein and upon the motion of the appellees to affirm the judgment of the Court below and it appearing to the Court that the appellees have complied with the rules of this Court in relation to the printing of their brief and that the appellants have not printed any brief herein and that the appellees have filed a brief herein and that the appellants have not filed any brief herein and that the appellees have filed a brief herein and that the appellants have not filed any brief herein and that the appellees have filed a brief herein and that the appellants have not fil

both interest therefrom April 1st 1885. at the rate of six per cent per annum together with their costs in this behalf in this Court expended to be taxed. and that they have execution therefor: and it appearing to the Court that Emanuel Stover Ronald and Herman Seligman are sureties on the appeal bond of said plaintiffs. It is further considered and adjudged by the Court that said defendants, William Bell and J. S. Elston recover of said Emanuel Stover Ronald and Herman Seligman, sureties as aforesaid, the said sum of five hundred dollars, with interest and costs as aforesaid and that they have execution therefor.

285 Joseph Coleman et al. Plffs. in error
vs.
William Bell et al. Defts in Error
} Error to First Judicial District.

Now come said parties by their respective attorneys and present to the Court here their stipulation by which it is agreed that upon the affirmation of the judgment in case No. 260, according to the stipulation of said parties filed therein, the judgment rendered in this Court in this cause shall be vacated and set aside and said writ of error dismissed at the costs of plaintiffs: and said judgment referred to said stipulation having been this day affirmed: It is considered and adjudged by the Court that the judgment in this cause entered at a former day of this present term be and the same hereby is, affirmed and vacated and set aside: that said writ of error be and the same hereby dismissed and that said plaintiffs in error pay all the costs of this proceeding in this Court to be taxed and that execution issue therefor.

296 The Territory of New Mexico
vs.
Jasper Thompson
} Appeal from Socorro County.

Now comes said defendant by his attorney. H. L. Warren Esq and files his motion for a rehearing herein.

299 The Territory of New Mexico
vs.
Sp. J. C. Connell, Appellant
} Appeal from Grant County.

This cause having been argued by counsel, submitted to, and taken under advisement by the Court, at a former day of this present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Bristol, affirming

the judgment of the Court below, Chief Justice Dorsey pre-
siding in the premises, be, & the same is affirmed,
and adjudged by the Court that the defendant in the
cause by the Court aforesaid, W. F. O'Donnell be
taken therein by the neck until he be dead, unless
the Governor of this Territory shall in his warrant
of execution, fix an earlier day, & in that event, such
day as fixed in such warrant.

It is further ordered that the Clerk of this
Court transmit to the Governor of the Territory of
New Mexico, a certified transcript of the record, con-
taining the indictment, the evidence and the judg-
ment of the lower Court, in this cause, together with
a certified copy of the judgment of this Court.

313 The Territory of New Mexico vs. W. C. Mccreery et al } Appeal from Bernalillo County.

This cause coming on to be heard upon the record
and the briefs filed herein, is argued by counsel
H. L. Warren, Esq appearing for said appellant and
William Breeden, Esquire, on behalf of said appellee
and submitted to the Court and the Court, not being
sufficiently advised in the premises doth reserve the same un-
der advisement.

393 The Territory of New Mexico vs. Abey Conner, appellant } Appeal from Bernalillo County.

Now comes said plaintiff and appellee by Attor-
ney General and presents to the Court here a tran-
script of the record herein by which it appears that
that an appeal was allowed to this Court, and moves
the Court to docket this cause, and dismiss said appeal
for the reason that said appellant has failed to file
such transcript in the office of the Clerk of this Court
at least ten days before the first day of this term
at which said appeal was returnable, and the Court

Day ..... A. D. 18 ....

having now sufficiently advised in the premises, grants said motion: It is therefore ordered by the Court that this cause be docketed and that said appeal be and the same is dismissed and this cause remanded to said District Court within and for the County of Bernalillo, with directions to proceed therein the same as though no appeal had been taken: and it is further considered by the Court that said plaintiff recover of said defendant his costs in this behalf expended to be taxed and that he have execution therefor.

The Territory of New Mexico } Appeal from Bern.
vs. } No. 3 Permilling Fleming } Dist. Court.
Albert Conner, Appellant }

Now comes said plaintiff and appellee by her Attorney General and presents to the Court here a transcript of the record herein, by which it appears that an appeal was allowed to this Court and moves the Court to docket this cause and dismiss said appeal for the reason that said appellant failed to file in the office of the Clerk of this Court at least ten days before the first day of this term, to which said appeal was returnable, such transcript and the Court being sufficiently advised in the premises, grants said motion: It is therefore ordered by the Court that this cause be docketed and that said appeal be and is hereby dismissed and this cause remanded to the Second Judicial District Court of this Territory for Bernalillo, whence the same came with directions to said Court to proceed herein the same as though no appeal had been taken and it is further ordered by the Court that said defendant pay the costs of this Court herein to be taxed and that execution issue therefor.

334.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Twenty Third Day Friday January twenty Eighth A. D. 18[illegible]

Twenty third Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read. Approved.

2.94 The Territory of New Mexico
vs.
Henry Anderson, Appellant
} Appeal from
} 2d Judicial District
} Socorro County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Chief Justice Long, affirming the judgment and sentence of the Court below, for reasons stated in the opinion of the Court on file. Associate Justice Henderson concurring. It is therefore considered and adjudged by the Court that the judgment in this cause of the Second Judicial District Court of this Territory, sitting within and for the County of Socorro in this cause came into this Court, be and the same is hereby affirmed and that said judgment be carried into effect by the Sheriff of Socorro at some convenient place in the County of Socorro, on Friday, February Eighteenth, eighteen hundred and eighty seven between the hours of ten, A.M. and four P.M. of said day, by hanging the said Henry Anderson defendant herein, by the neck until he be dead, unless the Governor of this Territory shall in the meantime issue a warrant of execution for an earlier day in which event on the day so fixed in such warrant.

And It is further ordered that the Clerk of this Court transmit to the Governor of the Territory of New Mexico, a certified transcript of the record, containing the indictment, the evidence and the judgment of the lower Court in this cause, together with a certified copy of the judgment of this Court.

2.98 John M. Price et al, Appellees
vs.
William Garland.
} Appeal from
} Bernalillo County.

Now come said parties by their respective attorneys and announce to the Court that the [illegible]

Day ... A. D. 18...

the execution of said appellee to retain costs or any part thereof as is subscribed by the Court and that the appellant have leave to file the affidavit of merits filed herein which shall have the same effect as if filed before the motion to affirm was made and before the Court rendered its decision which said affidavit of merits is now ordered filed herein, and that said appellee shall have the right to file any affidavits that they desire with like effect.

247 John E. Jennison
vs.
Amri Doo et al. Appellants

} Appeal from
} Sierra County.

Now comes said appellee by his attorney A. B. Elliott, Esquire and presents to the Court here a transcript of the record herein, by which it appears that an appeal was allowed to this cause to this Court, and moves the Court to affirm the judgment of the said Court for the reason that said appellant has failed to file in the office of the Clerk of this Court a transcript of the record herein, and the Court, being sufficiently advised in the premises, grants said motion. It is therefore considered and adjudged by the Court that the judgment in this cause of the said Judicial District Court of this Territory and, within and for the County of Sierra, wherein this cause was tried be and the same hereby is affirmed and that in accordance therewith said plaintiff John E. Jennison, recover of and from the said defendants, Amri Doo, John H. Isaacs, Charles Mitchell John Mitchell, L. C. Hixon and William H. Coleman the sum of two thousand, three hundred and ninety one dollars and fifty seven cents, together with all his costs in this behalf expended, and as to Louis P. Shakeshaft and Mrs A. Shakeshaft, the amount ascertained to reduce the plaintiff's from each and all of the defendants by the verdict of the jury, to wit: twenty three hundred and ninety one dollars and fifty seven cents, for the purpose of enforcing the lien of attachment to the extent of the property seized within the jurisdiction of the Court will be considered as the amount of the indebtedness due plaintiff from the defendants, and personal judgment is rendered in favor

Thirty fourth Day Saturday January Thirty First A. D. 1852

prior required defendants not appearing.

And it is further ordered that writ of execution issue for the sale of said property attached herein to satisfy and pay this judgment after thirty days notice given by printed hand bills posted at six conspicuous places in said County of Sierra.

And it is further considered and adjudged by the Court that said plaintiff recover of said defendants his costs in this behalf expended to be taxed and that he have execution therefor.

It is ordered that the Court do now adjourn until tomorrow at ten o'clock

Twenty Fourth Day

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterday's proceedings is read and approved.

The Territory of New Mexico vs. Theodore Baker } Appeal from First Judicial District San Miguel County

399

This cause having been argued by counsel and submitted to, and taken under advisement by the Court at a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, affirming the judgment of the Court below; for reasons stated in the opinion of the Court on file, Associate Justice Henderson concurring;

It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of the First Judicial District of this Territory sitting for the County of San Miguel in this cause be and the same hereby is affirmed and that said judgment be carried into effect by the Sheriff of San Miguel County at some convenient place in the County of on Wednesday February Eighteenth Eighteen

Day ... A. D. 18...

between the hours of eleven and four O'clock of said day, Thursday and the said deputy Theodore Burke, by the neck until he be dead, unless the Governor of this Territory shall in his warrant of execution fix an earlier day and in that event, on the day so fixed in such warrant.

And It is further ordered that the Clerk of this Court transmit to the Governor of the Territory of New Mexico a certified transcript of the record, containing the verdict, the evidence, and the judgment of the lower Court, in this cause, together with a certified copy of the judgment of this Court.

The Territory of New Mexico
vs.
Thomas Pridemore

310

} Appeal from First Judicial District. San Miguel County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announced its decision by Associate Justice Henderson, reversing the judgment of the lower Court and remanding this cause to said Court with directions to grant a new trial, for reasons stated in the opinion on file, Associate Justice Parker concurring. It is therefore considered and adjudged by the Court that the judgment in this cause, of the District Court of the First Judicial District of this Territory, whence this cause came into this Court, be and the same hereby is reversed and this cause remanded to said Court with directions thereto to order a new trial herein, and It is further considered by the Court that said plaintiff pay the costs of this proceeding to be taxed. And that the said Thomas Pridemore is hereby remanded to the custody of the Sheriff of the County of San Miguel.

William P. Pennock et al
vs.
Wm. H. Kinney.

244

} Error to First Judicial District Court, San Miguel County.

This cause having been submitted to and taken under advisement by the Court at a former day of the present term, on the motion of said defendant in error to dismiss said cause, and the Court being now sufficiently advised in the premises, announced its decision by Chief Justice Slough dismissing said writ of error for reasons stated in the opinion on file, and the members of the Court

appearance. This thereupon came on to be heard upon the motion of counsel for plaintiff in error to dismiss the writ of error herein, upon the ground that plaintiff in error has not filed his brief herein, and upon the motion of counsel for defendant in error to affirm the judgment of the lower Court upon the ground that plaintiff in error has failed to file his brief herein within the time required by the rules of this Court, and it appearing to the Court that the motion of defendant in error should be granted.

It is therefore considered, ordered and adjudged by the Court that the motion of defendant in error to dismiss the writ of error herein be and the same is hereby granted, and that the judgment of the said District Court of Bernalillo County in this cause be and the same is hereby affirmed at the costs of plaintiff in error.

91 The Territory ex rel of Simon Luna } Appeal from
vs. } Bernalillo
Reinhardt Brothers & Company } County.

By the stipulation of said parties filed herein this cause is submitted to the Court upon the record and briefs both parties to have ten days from this date to file briefs herein.

295 The Territory of New Mexico } Appeal from
vs. } Bernalillo County.
Pascual Cutimola, Appellant }

By the stipulation of said parties filed herein this cause is submitted to the Court upon the record and briefs on file herein

296 The Territory of New Mexico } Appeal from
vs. } Socorro County.
Jasper Thomason, Appellant }

This cause coming on to be heard upon the motion of said defendant for a rehearing therein, is argued on behalf of said appellant by N. L. Warren, Esquire and by Wm Breeden, Esquire, on behalf of said appellee and submitted to the Court and the Court, not being sufficiently advised in the premises, doth Refuse the same under advisement

It is ordered that the following be and hereby is adopted as a rule of this Court, to wit:

Rule XXV

All assignments of error required by Sec. 2189 2201 of Compiled Laws of 1884, shall be written on a separate paper and filed in the cause, and shall also be copied into the brief of appellant or plaintiff in error and the Clerk shall enter the back of each filing on the record. Such assignments of error shall contain the title of the cause and the court from which the

relevant errors.

Each error relied upon shall be stated in a separate paragraph.

The opposite party shall join in error by writing a joinder at the foot of the assignment and the Clerk shall enter the fact by such joinder on the record.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Twenty Fifth Day.

Court meets pursuant to adjournment.

Present as upon Saturday.

The record of Saturdays proceedings is read and approved.

The Judges of the Supreme Court of the Territory of New Mexico now assembled at the Seat of Government of said Territory, do hereby fix and appoint the several times and places of holding the Courts in their respective districts and limit the duration of the terms thereof thereof, as follows:

In the First Judicial District, to begin on the first Monday of February and to continue in session not exceeding four weeks and to begin on the first Monday of July and to continue in session not exceeding four weeks; both of said terms to be held at Santa Fe, New Mexico.

In the Second Judicial District, to begin on the first Monday of May and continue in session not exceeding six weeks and to begin on the first Monday of October and to continue in session not exceeding four weeks, both of said terms to be held at Albuquerque, New Mexico

In the Third Judicial District to begin on the first Monday of March and continue in session not exceeding five weeks and to begin on the first Monday of September and continue in session not exceeding four weeks both of said terms to be held at Las Cruces, Dona Ana County, New Mexico

It is further ordered that the Court do now

of the said Commissioners of Bernalillo County, shall provide suitable rooms, furniture and other accommodations for the District Court and its officers, in the town of Albuquerque to the satisfaction of the Judge of said District Court, shall be removed to, and held in said town of Albuquerque until the further order of this Court,

And it is further ordered and provided that a special term of the District Court sitting in the County of Bernalillo in the First Judicial District may be called by the Judge of said Court in the manner provided in sections 552 and 553 of the Compiled Laws of New Mexico and that such special term, if so called, shall begin on the first Monday of November of the year in which the same is called and may continue in session four weeks.

In like manner, the Judge of the Second Judicial District may in his discretion call a special term of the District Court in Bernalillo County in December of each year to continue not exceeding two weeks.

In like manner, the Judge of the Third Judicial District may call a special term of the District Court in said County in November of each year, beginning on the first Monday and continuing not longer than two weeks.

All causes and matters on the docket with the same to be heard.

346 Board of County Commissioners of Bernalillo County et al. } Error to
vs. } 1st Jud. Error } Second Judicial District
Atlantic & Pacific Railroad Company } Bernalillo Co.

On motion of said pltffs. in error, by their solicitor H. L. Warren, Esq. It is ordered that this cause stand continued until the next term of Court and that citations issue for service on said defendant in error

314 Josiah Robinson, Appellant } Appeal from
vs. } Dona Miguel
Eleanor Keeler, Appellee } County.

This cause having been argued by counsel, and submitted to and taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announced its decision by Associate Justice Brinker, reversing the judgment of the Court below and remanding this cause to said Court, for a new trial, in the opinion of the

Day ... A. D. 18 ...

Court on file, Associate Justice Henderson concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Judicial District Court sitting within and for the County of Sanders in entered this cause came into this Court be and the same hereby is reversed and this cause remanded to that Court for further consideration and adjudged by the Court that said appellant recover of said appellee his costs in this Court in this cause to be taxed and that he have execution therefor.

32.1 Ex parte James Chisum. Petition for Certiorari.

Now come said petitioners by their solicitor and withdraw their petition for certiorari heretofore filed herein; It is therefore considered and adjudged by the Court that said petitioners pay the costs of this proceeding to be taxed and that execution issue therefor.

It is thereupon ordered that the Court do now adjourn until to-morrow morning at ten o'clock,

Twenty Sixth Day Tuesday February First A. D. 1881

Twenty Sixth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read & approved.

296 The Territory of Utah Appellee } Appeal from
vs Second Judicial
Jasper Thorncoom Appellant } District Court

The motion of said appellant for a rehearing herein having been argued by counsel & submitted to & taken under advisement by the Court at the former day of the present term, the Court being now sufficiently advised in the premises, announces its decision overruling said motion for reasons set forth in the opinion on file. It is therefore ordered by the Court that said motion be & hereby is, overruled.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

[illegible]

Court proceeds to business

Present Court yesterday

The record of yesterday's proceedings is read & approved.

234 John D. Lowry, Plaintiff in Error, } Error to First District
vs. } Dauphin County
Frederick Churrs deLowry }

The motion of said plaintiff in error for a rehearing herein having been submitted to & taken under advisement by the Court at a former day of the present term, the Court, being now sufficiently advised, announces its decision overruling said motion for reasons set forth in its written opinion filed; & it is therefore ordered by the Court that said motion for rehearing be & the same hereby is overruled & it is ordered further that this cause be & the same hereby is remanded to the District Court of the County of Dauphin, whence it came to this Court with directions to proceed therein the same as if no writ of error had been sued out.

256 The Lemitary of New Jersey vs. C. & A. Rudes } Appeal
vs. } from Berks
Hugh McAllister Appellant } County

This cause coming said appellant by his attorney H. L. Warren, Esquire, and also his brother Peter Allen for an appeal to the Supreme Court of the United States

311 George Shäfer, Appellee } Appeal
vs. } from Bucks
The Second National Bank of New Mexico } [illegible] County

The motion of said appellee to affirm the said judgment of the District Court in this cause coming on to be heard & the Court being now sufficiently advised, & said motion appearing to be well taken, & said appellant having failed to file any brief or argument in support of his appeal herein, & said appellee, George Shäfer, having filed a brief & argument in support of said motion, & the said appellant, The Second National Bank of New Mexico, [illegible] dollars

Accordingly six cents, that being the amount of the said judgment of said Lower Court with interest thereon from the nineteenth day of February 1886, the date of said judgment, at the rate of six per cent per annum from this date. the six per cent damages allowed by the Court, together with his costs in this behalf expended as well in the Lower Court as in this Court to be taxed and that he have execution therefor: and it appearing to the Court that Lehman Spiegelberg and L. & Simmons are sureties on the appeal bond herein, It is further considered and adjudged by the Court that said plaintiff recover of said Lehman Spiegelberg and L & Simmons the said sum one thousand and twenty seven dollars and ninety six cents together with said costs and that he have execution therefor.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Twenty Eighth Day.

Court meets pursuant to adjournment

Present as upon previous day

The record of yesterday's proceedings is read and approved.

267 The New Mexico, Rio Grande and Pacific Railroad Company, Appellee, vs. John D. Crouch et al. Appellant } Appeal from Third Judicial District, Grant County.

This cause having been submitted to and taken under advisement by the Court at a former term the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, affirming the judgment of the Court below for reasons stated in the opinion of the Court on file, all the members of the Court concurring: It is therefore considered and adjudged by the Court that the judgment of the Third Judicial District Court sitting within and for the County of Grant, in this cause, whence the same came into this Court, be and the same hereby is affirmed and that this cause be remanded to said Court with directions to carry said judgment into

execution &c. It is further considered that said appellee recover of said appellants its costs in this behalf expended & that execution issue therefor.

Now comes W. D. Gibson, Esq. & moves the Court to admit Ruel M. Johnson to practice as an attorney, solicitor & counsellor of this Court; & it being made to appear to the satisfaction of the Court that the said applicant has practiced for the last three years has been a practicing attorney in the highest Court of original jurisdiction in the State of Indiana from which he comes and that he is a person of good moral character, It is ordered that the said Ruel M. Johnson be & he hereby is admitted to practice as an attorney, solicitor & counselor of this Court,

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock

Twenty Ninth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

The Territory of Utah Plaintiff } On appeal from the
Ezekiel T. Blake, Appellee } Third Judicial
vs. } District Millard
Winslow W. Hetherington Appellant } County.

Now comes said Plaintiff & Defendant and appellant
Court moves the Court to dismiss the cause & appeal
herein, the appellant & the Court, to the Supreme
Court of the Third Judicial District, said motion being
submitted to the Court & the Court having
fully considered the same, grants said
motion & it is therefore ordered that the Clerk of this
Court certify to the Supreme Court of the Third Judicial
District of the Territory of Utah

256

Court that the execution of said judgment be stayed for the period of sixty days and that if said appellant file an appeal bond herein within sixty days from today, in the sum of four thousand dollars, conditioned that he will prosecute his appeal with effect and without delay to final judgment in that of the judgment of the Supreme Court of the Territory of New Mexico affirmed, he will pay all damages and costs occasioned by this appeal, which may be recovered before any Court of competent jurisdiction, in case the execution of said judgment shall be further stayed until the decision of the said Supreme Court of the Territory of New Mexico.

Dyer — Dimmick et al. vs. Mitchell et al. } Error to District Court
Preston et al. vs. Mitchell et al. } Santa Fé County.

The motion of said plaintiffs in error for rehearing herein having been submitted to, and duly considered by the Court at a former day, the Court, being now sufficiently advised in the premises, do refuse said motion and overrule the same.

936 — Cruces Ybañez, Plaintiff in error } Error to 2d
vs. } Dist. Court
Henry Dickey et al, Defendant } Colfax County.

The motion of said plaintiff in error Cruces Ybañez that the judgment of the Court below in this cause, and the order in pursuance thereof, entered on the 4th day of June A. D. 1879, be set aside and vacated, the judgment of the Court below in said cause reversed, and a new trial granted herein, coming on to be heard upon the motion of said defendant in error to affirm said judgment, having been argued by counsel, and submitted by the Court upon consideration thereof, and the Court, being now sufficiently advised in the premises, do refuse said motion, and affirm said judgment, and order that the

225

91

216

[illegible] heard on the file and record herein the petition of the Commissioners heretofore appointed herein to assess the damages sustained by the defendants in condemnation for road purposes, for reasons stated in his motion on file and said motion having been argued on behalf of said plaintiff in error by said E. N. Fike, Esq and submitted to the Court. The Court being sufficiently advised, overrules the same. It is therefore ordered by the Court that said motion be and hereby is overruled.

It is ordered that the following allowances be and hereby are made to officers of the Court and witness, viz:
R. M. Johnson Clerk. For recording the opinions of the Court for the January 1886 and 1887 terms thereof 1484 fol. @ 10¢ $148.40
R. M. Johnson. For 29 days attendance at present term 116.00
William E. Gortner For 5 days service as stenographer 70.00

It is ordered that all motions, rules, causes and other business not otherwise disposed of be and they hereby are continued until the next regular term of this Court.

247 The United States of America, Appellant } Appeal
vs. } from First
The San Pedro and Cañon del Agua Company } District.

It is ordered that this cause stand continued until the June adjourned term of this Court.

It is ordered that the Court do now adjourn until the second Monday of June, 1887

Elisha V. Long Chief Justice
M. F. Bryan Associate Justice
C. L. Henderson Associate Justice

Day ... A. D. 18...

Commission of Hon. Reuben A. Reeves.

Grover Cleveland.

President of the United States of America.

To all who shall see these Presents Greeting:

Know Ye: That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Reuben A. Reeves, of Texas, I have nominated, and, by and with the advice and consent of the Senate, do appoint him to be Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the said United States and to have and to hold the said office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Reuben A. Reeves, for the term of four years from the day of the date hereof, subject to the conditions prescribed by law.

In testimony whereof, I have caused these Letters to be made patent and the seal of the United States to be hereunto affixed.

(Seal)

Given under my hand, at the City of Washington, the Third day of March in the year of our Lord one thousand eight hundred and eighty seven, and of the Independence of the United States of America, the one hundred and eleventh.

Grover Cleveland

By the President

T. F. Bayard

Secretary of State.

Oath.

I, Reuben A. Reeves, do solemnly swear that I will support and defend the constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Reuben A. Reeves.

Sworn to and subscribed before me this 21st day of March A. D. 1887.

Geo. W. Lane

Secretary, Territory of New Mexico.

At Santa Fé New Mexico April 26th 1887.

Present:

The Honorable Elisha V. Long, Chief Justice of the Territory of New Mexico.

The Honorable Wm. H. Brinker, Associate Justice of the Supreme Court, Territory of New Mexico.

The Honorable Wm F. Henderson, Associate Justice of the Supreme Court of the Territory of New Mexico.

An order dividing the Territory of New Mexico into four judicial districts, making assignments of Judges to the several districts and fixing the times and places of holding courts therein and in the several counties thereof:

In compliance with an act of Congress providing for the division of the Territory of New Mexico into four judicial districts and requiring the undersigned Chief Justice and Associate Justices of the Supreme Court to re-district said Territory in accordance therewith, we, the Chief Justice and Associate Justices of said Court, in Santa Fé, the seat of government of said Territory assembled, do hereby order that said Territory be divided into four judicial districts as follows:

The counties of Santa Fé, San Juan, Rio Arriba and Taos, shall constitute the first judicial district.

The counties of Bernalillo, Valencia and Socorro, shall constitute the second judicial district.

The counties of Dona Ana, Sierra and Grant, shall constitute the third judicial district.

The counties of San Miguel, Colfax, Mora and Lincoln, shall constitute the fourth judicial district.

It is further ordered that a term of the district court shall be held in the first judicial district in the city of Santa Fé, in the County of Santa Fé, on the first Mondays of February and August of each year, and the said February term shall continue for five weeks and the said August term shall continue for four weeks; and a term of the district court shall be held in the second judicial district in the city of Albuquerque, in the County of Bernalillo, on the first Mondays of March and September of each year and shall continue for six weeks each term; and a term of the district court shall be held in the third judicial district in the city of Las Cruces in the County of Dona Ana, on the first Mondays of April and October of each year, and shall continue for six weeks each term; and a term of the district court shall be held in the fourth judicial district in the city of Las Vegas, in the County of San Miguel, on the second Mondays of May and November of each year and shall continue for six weeks at each term: Provided, that the Judge holding Court in any district shall

have power to adjourn this cause at any time.

It is further ordered that a term of the district court for the trial of causes arising under the laws of this Territory shall be held at the county seats in the various Counties thereof at the times and places following to wit:-

In the County of Lincoln on the second Monday of February, and the last Monday of August of each year; in the County of Colfax on the second Monday of March, and third Monday of September, of each year; in the County of Mora on the first Monday of April, and second Monday of October, of each year; in the County of Valencia on the second Mondays of April and October of each year; in the county of Socorro, on the first Mondays of May and November of each year; in the County of Sierra on the second Mondays in March and September of each year; in the County of Grant on the third Mondays of May and November each year; in the County of Taos on the first Monday of April and second Monday of November, each year; in the County of Rio Arriba on the second Monday of April and fourth Monday of October of each year; in the County of San Juan on the fourth Monday of April and the second Monday of October of each year: Said Courts shall remain in session in each of said Counties until finally adjourned by order thereof, duly entered of record.

The Chief Justice and Associate Justices are assigned to the judicial districts as Judges thereof, as follows:- To the First Judicial District, Mr. Associate Justice Reeves. To the Second Judicial District, Mr. Associate Justice Bantner. To the Third Judicial District Mr. Associate Justice Henderson. To the Fourth Judicial District, Mr. Chief Justice Long.

It is further ordered that upon the taking effect of this order, all records, books, documents, dockets and papers appertaining to, growing out of and connected with or forming a part of any cause, matter or proceeding, arising, pending or disposed of in the County of Lincoln, formerly of the Third Judicial District, shall be delivered by the Clerk of the said third district to the Clerk of the said fourth district upon demand, and said Clerk of said third district shall take a receipt therefor in duplicate, and the same shall be filed and entered of record in the District Court of the said respective Districts.

It is further ordered that upon the taking effect of this order all records, books, documents, dockets and papers, appertaining to, growing out of and connected with, or forming a part of any cause, matter or proceeding, arising, pending or disposed of in the Counties of Santa Fe, Taos, Rio Arriba and San Juan, the First Judicial District, shall be delivered by the Clerk of said former First District to the Clerk of the present First District upon demand, and said Clerk of said former First District shall take a receipt therefor in duplicate and the same shall be filed and entered of record in the District Court of the said respective districts. This order shall take effect

and be in force from and after the first day of August A. D. 1887, and all orders in conflict herewith are hereby set aside and rescended.

Done at Santa Fé this Twenty-first day of March A. D. 1887.

Elisha V. Long
Chief Justice
Wm H. Brinker
Associate Justice
Wm F. Henderson
Associate Justice.

The foregoing order shall as to the creation of the first and fourth judicial districts, the assignment of judges thereto, the time of holding courts in the county of Santa Fé, the appointment and qualification of a clerk for the first district, go into effect on the second day of May A. D. 1887, but the terms of court in the counties of Taos and Rio Arriba shall be held upon the first day of August A. D. 1887, as now provided by law and after that date as required by the foregoing order. As to the appointment and qualification of a clerk for the fourth judicial district said order shall go into effect on said second day of May, except that the clerk for the third judicial district shall continue to act for the county of Sanciedor until August the first. As to all other matters not herein enumerated the original order having date March the 21st shall take effect from and after August the 1st, A. D. 1887. All other orders in conflict herewith are set aside and vacated.

Elisha V. Long
Chief Justice
Wm H. Brinker
Associate Justice

It is now hereby ordered that the foregoing be entered of record in the first judicial district as now constituted, in the order book for the County of Santa Fé and in the fourth judicial district in the record for the County of San Miguel and that one publication be made thereof in the Daily New Mexican, and one in the Daily Las Vegas Optic.

Witness my hand this 26th day of April A. D. 1887.

Elisha V. Long
Chief Justice

Territory of New Mexico } ss.
County of Santa Fe }

Grover Cleveland
President of the United States of America
To All Who Shall see these Presents Greeting:

Know ye, That reposing special trust and confidence in the Integrity, Ability and Learning of Thomas Smith, of Virginia— I have nominated, and by and with the advice and consent of Senate, Do appoint him Attorney of the United States in and for the Territory of New Mexico; and do authorize and empower him to execute and fulfil the duties of that Office according to Law. And to Have and to hold the said Office with all the powers, privileges and emoluments to the same of right appertaining unto him the said Thomas Smith, for the term of four years from the day of the date hereof, subject to the conditions prescribed by law.

In testimony whereof I have caused these Letters to be made Patent, and the seal of the United States to be hereunto affixed.

Given under my Hand, at the City of Washington, the Third day of August, in the year of our Lord One Thousand eight hundred and eighty six, and of the Independence of the United States of America the one hundred and eleventh.

By the President
Grover Cleveland
T. F. Bayard
Secretary of State

Territory of New Mexico } ss.
County of Santa Fe }

I, Thomas Smith, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God. Thomas Smith

Sworn to and subscribed before me this 15th day of November 1886. Geo. W. Laws
Secretary Territory of New Mexico

11th Day March Term A. D. 18[illegible]

Present The Hon. Reuben A. Reese, Associate Justice.

Marshal pro tem. Attest. (Seal of Court)

Territorial adjournment.

Bengal:

The Honorable Elihu Baxter, Chief Justice of the Supreme Court of the District of Columbia.

The Honorable William H. Henderson, Associate Justice of the Supreme Court of the Territory of Montana.

The Honorable Reuben A. Reese, Associate Justice of the Supreme Court of the Territory of Arizona.

Ronald Macaulay, United States Marshal of the District of Arizona

J. M. Jeffords, Clerk of said Supreme Court.

It is ordered that W. C. Bennett, Esq. be hereby appointed Bailiff of the Court during the term upon appearing in Court and is duly sworn as such.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Second Day Sunday June Fourteenth A. D. 1887
& January Adjourned Term 1887

Thirty First Day of the regular January 1887 Term.

Court meets pursuant to adjournment.

Present as upon yesterday, and also,

The Honorable William H. Brinton Associate Justice of the Supreme Court of the Territory of Neuvmexico.

The record of yesterday's proceedings is read and approved.

Now come John H. Knabel Esquire an attorney and counsellor of this Court and moves the Court to admit to practice as an attorney, solicitor and counsellor of this Court, Charles W. Foree: and it being made to appear to the satisfaction of the Court by the proofs now presented to the Court that the said applicant has practiced continuously as an attorney and counseller in the 17th Judicial District Court of Kentucky, wherein he came, said Court being one of the highest original jurisdiction in said State, for more than three years last past, and that he is a man of good moral character. It is ordered that Charles W. Foree be and he hereby is admitted to practice as an attorney and counsellor of this Court and he thereupon appears in open Court and takes the special oath prescribed by the rules of this Court.

On motion of John H Knabel Esq. an attorney of this Court, it being made to appear satisfactorily to the Court that Robert W. Foree has been a practicing attorney of the Seventeenth Judicial District Court of Kentucky, wherein the cause, said Court being one of highest original jurisdiction in said State, for at least three years last past, and also that he is a man of good moral character. It is ordered that said Robert W. Foree be and he hereby is admitted to practice as an attorney and counsellor at this Court and he thereupon appears in open Court and duly receives such.

On motion of Marshall McBreeden Esq. an attorney of this Court, it being made to appear to the Court by satisfactory proof presented that the said George W. Knabel is entitled under the rules of this Court to be admitted, to exercise

It is ordered that said George H. Pickel, Esquire, be and he hereby is admitted to practice as an attorney and counsellor of this Court, and that he appear upon the next official oath prescribed by the rules of this Court.

166 The Denver and Rio Grande Railway Company, Plaintiff in Error, vs. James Harris, Defendant in Error } Appeal from Lincoln County.

Now comes said defendant in error by his attorney John H. Knaebel, Esquire, and presents to the Court the mandate of the Supreme Court of the United States heretofore issued in this cause by said Court, which mandate is in the words following, to-wit: This cause was removed for review by writ of error to said Supreme Court, which it appears that the judgment of this Court in this cause has been affirmed by said Supreme Court, and this cause remanded to this Court with directions to proceed herein the same as though no writ of error had been sued out: It is therefore ordered by the Court that execution issue upon said judgment the same as if no writ of error had been sued out.

295 The Territory of New Mexico vs. Pascual Cutinola } Committing Insanity. Appeal from Bernalillo Co.

This cause having been heretofore argued by counsel and submitted to the Court under advisement by the Court at a former day of the present term the Court being now sufficiently advised, announced its decision by Associate Justice Henderson, affirming the judgment of the Court below for reasons stated in the opinion on file, Chief Justice Long concurring: It is therefore considered and adjudged by the Court that, in accordance with the judgment of this Court rendered on the fifth day of May, A. D. 1894, the defendant be kept in safe custody in the Insane Asylum at Las Vegas, and that the Sheriff of Bernalillo County deliver the said defendant into the custody of the Superintendent of said Asylum.

It is ordered that Court do now adjourn until ten o'clock A. M. to-morrow.

Day ... A. D. 18...

Day A. D. 18

Whereas Ranulo Gaitmer, United States Marshal for the District of Kansas, returned to this Court an account of his disbursements for mileage and services in the case of the United States against Lewis Smith, Attorney, Has sworn, on oath, to the satisfaction of this Court, that the services therein charged have been necessarily performed as therein stated, and that the disbursements charged have been duly paid in lawful money: and whereas said charges appear to be just and reasonable. It is hereby ordered that the said account, amounting to the sum of dollars be, and the same is hereby allowed.

Whereas, Ranulo Gaitmer, United States Marshal, has filed and docketed in this Court an account of his mileage and services from the 13th day of June 1887, to the 15th day of June 1887 both inclusive, in the case of United States vs. Lewis Smith, United States Attorney, which account, on oath, to the satisfaction of this Court, is found to be correct and reasonable, and that the disbursements charged have been duly paid in lawful money, and that the services charged were necessarily performed.

It is ordered by the Court that the Clerk issue a warrant on the Treasurer of the United States for the sum of dollars, payable to the said Ranulo Gaitmer, Marshal, for the amount found due him by the account aforesaid.

It is ordered by the Court that the Clerk issue a warrant on the Treasurer of the United States for the sum of dollars, payable to the said Ranulo Gaitmer, Marshal, for the amount found due him by the account aforesaid.

It is ordered by the Court that the Clerk issue a warrant on the Treasurer of the United States for the sum of dollars, payable to the said Ranulo Gaitmer, Marshal, for the amount found due him by the account aforesaid.

It is ordered by the Court that the Clerk issue a warrant on the Treasurer of the United States for the sum of dollars, payable to the said Ranulo Gaitmer, Marshal, for the amount found due him by the account aforesaid.

Elmer Long Clerk District Court,
Reuben A. Riley Assistant District Court,
W. A. Johnson Assistant District Court,
W. H. Henderson Assistant District Court,

293

Teaward le Henriques
Ex Parte

Appeal from Second Judicial District Court Valencia County

The application of Teaward le. Henriques for a writ of prohibition in this cause having been presented to me and respondent appearing and waiving the issue of a rule to show cause as prayed. The cause is heard upon the application, and the same after having been and fully understood, is denied.

Done at Albuquerque this 19th day of July 1887

Wm. F. Brinker
Associate Justice

Juan De Dios Tapia On Petition for writ of Prohibition

Upon reading and filing the foregoing Petition and affidavit, Let the Clerk of the Supreme Court forthwith issue a writ of Prohibition conformably to the Prayer of said Petition.

Dated at my Chambers in the City and County of Santa Fe N.M. September 12, 1887

(R.M. Reeves
Associate Justice of the Supreme Court of New Mexico

Day A. D. 18

Know all men by these presents that Robert M. Force as principal and C. H Gildersleeve and M-A. Breeden as surities are held and firmly bound unto the United States of America, in the penal sum of five thousand dollars, lawful money of the United States of America, for the payment of which well and truly to be made to be made, we bind ourselves, our heirs, administrators and assigns firmly by these presents. In witness whereof we have hereunto set our hands and seals this 16th day of June 1887

The condition of the above obligation is such that whereas the said Robert M. Forel was by the Supreme Court of the Territory of New Mexico, in open session of said Court, duly appointed by the Judges of said Court, Clerk of the Supreme Court of the Territory of New Mexico, on the fifteenth day of June 1887, by an order of said Court entered of Record in Record "A" of said Supreme Court on page 472, to have and to hold the said office of Clerk with the rights, privileges and emoluments thereunto belonging and appertaining as permitted by the law authorizing his said appointment. Now if the said Robert M. Force shall well and faithfully discharge the duties of his said office, and seasonably record the decrees, judgments and determinations of said Supreme Court and properly account for all money coming into his hands as such Clerk, as required by law, then this obligation to be void; otherwise to remain in full force and effect

Robert M. Force (Seal)
C. H. Gildersleeve (Seal)
M. A. Breeden (Seal)

Territory of New Mexico
County of Santa Fe

C. H Gildersleeve and M. A Breeden being duly sworn each for himself says that he is a resident of the county of Santa Fe in the Territory of New Mexico, and is an owner and holder of real estate in said county and that he is worth at least the sum of five thousand dollars in property situated in said Territory of New Mexico over and above his just debts and liabilities and exclusive of property exempted by law from execution

C. H. Gildersleeve (Seal)
M. A. Breeden (Seal)

Subscribed and sworn to before me this 16 day of June 1887

Elisha V. Long, Chief Justice

Day A. D. 18

The above and foregoing bond is taken and approved by me as the Chief Justice of the Supreme Court of the Territory of New Mexico this 16 day of June 1887 and the same is ordered spread of record on the Journal of the said Supreme Court according to the Statutes in such cases made and provided

Witness the hand of the Chief Justice of the Supreme Court of the Territory of New Mexico the day and year last above written

Elisha V. Long (Seal)
Chief Justice of the Supreme Court of the Territory of New Mexico

Territory of New Mexico
County of Santa Fe

I, Robert M. Foree, being appointed a clerk of the Supreme Court of the Territory of New Mexico do solemnly swear that I will truly and faithfully enter and record all orders, decrees, judgements and proceedings of the said Court, and that I will faithfully and impartially discharge and perform all the duties of my said office according to the best of my abilities and understanding, so help me God.

Robert M. Foree (Seal)

Subscribed and sworn to before me this 16 day of June 1887

Elisha V. Long (Seal)

Chief Justice of the Supreme Court of the Territory of New Mexico

Day A. D. 18

It is ordered by the Judges of the Supreme Court of the Territory of New-Mexico; that the town of Aztec in the County of San Juan in said Territory be and the same hereby is fixed and appointed as the Place of holding the District Court in and for the said County of San Juan and that this order be entered of Record

Dated this 17th day of September A.D. 1867

Elisha V Long
Chief Justice
R.H. Reeves
Associate Justice
Wm. H. Tinnin
Associate Justice
H.H. Henderson
Associate Justice

Be it remembered that at a regular term of the Supreme Court of the Territory of New Mexico, begun and held at the City of Santa Fé on the first Monday and second day of January in the year of our Lord one thousand eight hundred and eighty eight.

Present: The Hon. Elisha V. Long Chief Justice, and the Hons. Wm H. Brinker, Wm F. Henderson and Reuben A. Reeves, associate Justices, of said Court:

William Breeden Attorney General of the Territory of New Mexico;
Thomas Smith United States District attorney for said Territory,
Romulo Martinez United States Marshal for said Territory:
R. M. Foree clerk of said Supreme Court, and,
Francisco Chaves Sheriff of Santa Fé County, when the proceedings hereinafter recorded were had and done.

Bailiffs.

It is ordered by the court that Nestor Montoya, José Ortiz y Baca, A. C. Ireland and William T. Guyer, be, and they are hereby appointed bailiffs of this court to serve during the present term, and they now each appear in open court and are duly sworn as such.

360

The Sierra Land and Cattle Company
appellant.
vs.
William Coleman
appellee

Appeal from 3rd District Sierra County.

Comes now the appellant by Messrs Newcomb, McFie and S. W. Parker Esqrs. its attorneys, and the appellee also comes by Elliott and Pickett Esqrs. his attorneys, and on their motion, and in accordance with a written stipulation filed herein, it is ordered by the court that this cause be dismissed at the cost of said appellant.

It is therefore ordered adjudged and decreed by the court that this cause shall be, and the same hereby is dismissed, and that said appellee, William Coleman, do have and recover from said appellant, The Sierra Land and Cattle Company, his costs and charges in this behalf laid out, taxed and expended, and that he have execution therefor.

366

Melvin G. Barton and Sylvenus M. Rugg, appellants.
v.
Micah Masterson and Jesse B. Woodward, appellees

Appeal from 3rd District, Sierra County.

Comes now the appellees by Newcomb, McFie and Parker Esqrs. their attorneys, and show unto the court that said appellants have failed to perfect their appeal

in this cause by filing in this court a true and perfect transcript of the record and proceedings had in said cause in the district court of Sierra County, and the said appellees now produce and file herein a true and perfect transcript of said record and proceedings, and on their motion it is ordered by the court that this cause be docketed; and said appellees now file their motion asking that the judgment of the said district court may be affirmed, and the court being duly advised in the premises sustains said motion, and orders, adjudges and decrees that the judgment of the district court of the third judicial district sitting within in for the county of Sierra, in this cause, be and the same hereby is in all things affirmed.

It is further considered, adjudged and decreed by the court that the appellees herein, Murat Masterson and Jesse B. Woodward, do have and recover from said appellants, Melvin G. Barton and Sylvenus M. Rugg, as well as from George W. Hall and Asa Barnaby the sureties upon the appeal bond of said appellants, the sum of six hundred dollars ($600) the amount of the judgment rendered in said district court, with interest thereon at the rate of six per cent. per annum from the 9th day of April A. D. 1887 until paid, together with all costs and charges incurred, land not taxed and expended by said appellees in this cause, in both the said district court and in this court, and that said appellees have execution therefor.

It is ordered that court do now adjourn until tomorrow morning at ten o'clock.

2nd Day Tuesday January 3rd A. D. 1888

Tuesday morning January 3rd 1888.

Court met pursuant to adjournment.

Present as upon yesterday.

Proceedings of yesterday read and approved

246 Board of Commissioners of Valencia County et al. Plaintiffs in error. v. Atlantic and Pacific Railroad Company Defendant in error } Error to 3rd District Bernalillo County.

Comes now the defendant in error by Wm. C. Hazeldine Esq. its attorney and enters a special appearance herein for this purpose only, and files a motion herein requesting the Court to quash the citation issued on this cause and the return of service made thereon, and also to dismiss this cause for the reasons specifically set forth in said motion, and the Court not being ready to hear said motion it is postponed until some later day.

301 Jesse L. Fuller, appellant v. The United States of America, appellee } Appeal from 3rd District.

Comes now William T. Thornton and William Breeden Esqrs, and enter their appearance in this cause as attorneys for said appellant, and on their motion it is ordered by the Court that they have leave to take the record and papers in this cause from the files for the purpose of preparing this cause for presentation to the Court.

336 Charles O. Butts, Plaintiff in Error. v. Teresa Isabella Butts, defendant in Error } Error to 3rd District. Grant County.

Comes now said defendant in error by Conway, Posey and Hawkins her solicitors, and file a motion herein requesting the Court to dismiss the writ of error in this cause, and said defendant also files a motion requesting the Court to strike this cause from the docket, and the Court not being ready to hear said motions the same are postponed until a later day of the present term.

347 James H. Reckie Plaintiff in Error. v. Charles H. Saidler Defendant in Error } Error to 3rd District, Sierra County.

Comes now the defendant in error by J. Morris Young and N. B. Elliott, his attorneys and

files a motion herein requesting the Court to dismiss their writ of error herein and affirm the judgment of the Court below for reasons set forth in said motion, and the Court not being ready to dispose of said motion at this time it is postponed until a latter day of the present term.

355 George H. Pradt, Appellant
v.
Francisco X. Vigil, Appellee
Appeal from 2nd District. Valencia County.

Came now said appellant by H. L. Warren his attorney files a motion herein requesting the Court to advance this cause on the docket for hearing, the disposition of which motion is postponed until some other day of the term.

362. Ellen E. Casey and Robert Casey, Appellants
v.
Frank. McCollom et. al. Appellees
Appeal from 4th District. Lincoln County.

Came now the parties by their respective solicitors, and in accordance with a stipulation now on file in this cause signed by said solicitors, it is ordered by the Court that this cause stand Continued until the next regular term of this Court that this Continuance shall not waive any objections to the filing of the transcript herein, or the form or contents thereof, which objections may be made at the next regular term of this Court. That appellants shall file a copy of abstract of this cause, argument and brief, and deliver a copy thereof to appellees' solicitors sixty days before the first day of the next regular term of this Court.

361 Charles Sears and James Stuck, Appellants
v.
William C. Purple, Appellee
Appeal from 3rd District Sierra County.

Came now the appellants by Messrs Newcomb, McFie and Parker their attorneys, and the appellee also comes by W. T. Thornton his attorney, and in accordance with a written stipulation signed by said attorneys, and on motion of said appellants, it is ordered by the Court that this cause be and the same hereby is dismissed. It is also ordered and adjudged by the Court that the said appellee recover of said appellants his costs and charges in this behalf laid out and expended, and that he have execution therefor.

367

Robert P. Faddis Appellant
v.
Pedro A. Simpson, Appellee
} Appeal from 2nd District, Bernalillo County.

Comes now the appellee by A. B. Field Esq. his attorney, and shows to the court that said appellant has failed to perfect the appeal taken by him in this cause by filing a true and perfect transcript of the record and proceedings of the district court in said cause, and said appellee now presents to the court a true and perfect transcript of the record and proceedings had in said cause in the district court of the third judicial district sitting within and for the county of Bernalillo, and on his motion it is ordered by the court that this cause be now docketed, and on the further motion of said appellee, it is ordered by the court that the judgment and proceedings of said district court, be and they are hereby in all things affirmed.

It is therefore considered and adjudged by the court that said appellee, Pedro A. Simpson, do have and recover from said appellant Robert P. Faddis, and also from Harvey B. Ferguson and Edward N. Dobson, the sureties on the appeal bond of said appellant, the sum of three hundred and forty five dollars and twenty eight cents ($345.28) the same being the amount of the judgment in this cause in said district court, together with six per cent interest thereon from the 11th day of January 1887 until paid; as well as his costs, charges and expenses in this behalf in said district court, as well as in this court, taxed and to be taxed and expended; and that he have execution therefor.

It is ordered that court do now adjourn until tomorrow morning at ten o. clock.

31st Day Wednesday January 4th A. D. 1888.

Wednesday morning January 5th 1888.

Court met pursuant to adjournment.

Present as upon yesterday.

Proceedings of yesterday read and approved

271 Jesus Maria Perea et al, Administrator etc. Appellants
v.
Candelaria Montoya de Gallegos, Appellee
} Appeal from 1st District Santa Fé County.

This cause now coming on to be heard upon the record, transcripts and proceedings filed herein, the same is argued upon the part of the appellants by William S. Thornton Esq. their solicitor, and argument is submitted on behalf of the appellee by William Breeden Esq. her solicitor, and the Court not now being sufficiently advised in the premises takes the cause under advisement.

355 George N. Pradt Appellant
v.
Francisco X Vigil Appellee
} Appeal from 2nd District Valencia County.

The motion heretofore filed in this cause by said appellant to advance this cause on the docket for hearing now coming on for disposition, the Court being duly advised in the premises, denies and overules the same, and the Court declines to advance said cause for hearing.

301. Jane L. Fuller, appellant
v.
The United States of America, Appellee
} Appeal from 3rd District Court.

Comes the appellant by his attorney aforesaid, and on his motion the time for his filing briefs herein is extended until the 20th day of January A. D. 1888.

336 Charles O. Butts. Plaintiff in Error.
v.
Teresa Isabela Butts- defendant in Error
} Error to 3rd District Court. Grant County.

Comes now the defendant in error by her solicitor, and withdraws the motions filed herein on the second day of the present term, to dismiss the writ of error herein, and said defendant now files a motion herein requesting that the judgment and decree of the third judicial district court in this cause be opened, and that the decree and judgment of said district court be affirmed; and the Court being duly advised in the premises, sustains said motion.

It is therefore considered adjudged and decreed by the Court that

the decree and judgment rendered in this cause by the third judicial district Court sitting within and for the County of Grant, be opened; and it is further ordered, adjudged and decreed by the Court that the said judgment of said district Court be and the same hereby is in all things affirmed, to the full extent, and upon the conditions and terms set forth in said judgment and decree, as is shown by the transcript of said cause now on file in this Court.

It is further considered and adjudged by the Court that said defendant in error, Teresa Isabella Butts, do have and recover from said plaintiff in error, Charles O. Butts, and also from his sureties upon his bond for costs filed herein, viz: James M. Smith and Martin Maher, all costs and charges incurred, laid out and expended by her in this cause in said district Court, as well as in this Court, which have been taxed, or are to be taxed, and that she have execution therefor.

363 The Pueblo of Acoma, Appellant
v.
Joseph E. Saint, A. W. Cleland and Solomon Bibo, Appellees
} Appeal from 2nd District Bernalillo County.

Come the appellees by N. B. Field Esq, their attorney, and files a motion herein requesting the Court to affirm the judgment of the third judicial district rendered in this cause for the reason that said appeal of appellant was taken more than thirty days before the first day of the present term of this Court, and the appellant having failed to file a true and perfect transcript of the proceedings had in this cause in said district Court, in this Court, ten days before the first day of the present term, and said appellees now present a transcript of the proceedings had in said cause, and the Court being duly advised in the premises sustains the said motion of appellees. It is Therefore considered and adjudged by the Court that the judgment in this cause rendered by the Second judicial district Court, sitting within and for the county of Bernalillo, be and the same is hereby in all things affirmed, and that the said actions of the appellants be dismissed, and that it take nothing by its suit.

It is further considered and adjudged by the Court that said appellees do have and recover from the appellant their costs in this behalf laid and expended in this Court, as well as in said district Court, and that they have executions therefor.

364 The Pueblo of Acoma Appellant
v.
Joseph E. Saint, A. W. Cleland Jr. and Solomon Bibo, Appellees.
} Appeal from 2nd District Bernalillo County.

Come now the appellees by Neill B.

Field Esq. and files a motion herein requesting the Court to affirm the judgment rendered in this cause by the second judicial district Court sitting within and for the county of Bernalillo for the reason that said appellants appealed this cause from said district court more than thirty days prior to the first day of the present term of this Court, and having failed to file in this Court ten days before the first day of this term a true and perfect transcript of the proceedings had in this cause in said district court; and said appellees now present and file a transcript of the proceedings had in this cause in said district court. It is therefore considered and adjudged by the Court that the judgment and proceedings had in this cause by the said second judicial district court sitting within and for the County of Bernalillo be and the same hereby are in all things affirmed, that the said action of appellant be dismissed and that it take nothing by its suit.

It is further considered by the Court that the appellees have and recover from said appellant their costs and charges in this cause laid out and expended in this Court, as well as in said district court, and that they have execution therefor

Water and Improvement Company
Plaintiff in Error

382 v.

Charles H. Gildersleeve et al
Defendants in Error

} Error to 1st District Santa Fé County.

This cause now coming on to be heard upon the record and proceedings of the district Court filed herein, the cause is argued on behalf of the plaintiff in error by Eugene A. Fiske Esq. its attorney, and is argued on behalf of the defendants in error by George C. Preston and John N. Knaebel Esqrs. their attorneys, and the Court not being now sufficiently advised in the premises, takes the cause under advisement

It is ordered that Court do now adjourn until tomorrow morning at ten o' clock.

4th Day Thursday January 5th A. D. 1888

Thursday morning January 5th 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved

It is ordered that court do now adjourn until tomorrow morning at ten o'clock.

5th Day Friday January 6th A. D. 1888.

Friday morning January 6th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

356 Charles Seidler Appellant
v.
A. J. Mayfield and A. J. Sparks Appellees
Appeal from 3rd District
Sierra County.

The motion filed in this cause upon yesterday by the said appellees herein now coming on to be heard, The same is argued on the part of said appellees by J. J. Bell Esq. their attorney, and the Court not now being sufficiently advised upon the same, takes the matter under advisement.

It is ordered that court do now adjourn until tomorrow morning at ten o'clock.

6th Day Saturday January 7th. A. D. 1888.

Saturday morning January 7th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

It is ordered that court do now adjourn until Monday morning next at ten o'clock.

4th Day. Tuesday January 9th A. D. 1855

Monday morning January 8th A. D. 1855
Court met pursuant to adjournment.
Present as upon Saturday last.
Proceedings of Saturday read and approved.

3 Leg Juan de Dios Lafoja.
v.
Gabriel Martinez, Francisco Chavez.
Jno. B. Rodriguez and Jose Maria Rodriguez } Petition for writ of Prohibition

Comes now W. A. Keen Esq. and enters his appearance herein as attorney for all of said defendants. and P. M. Head Esq. also enters his appearance herein as attorney for said defendant Martinez. And the said defendant Gabriel Martinez, by his attorneys aforesaid, files a demurrer and answer herein to the petition of plaintiff, and said other defendants file a demurrer herein to said petition, and day is given.

It is ordered Each Court do now adjourn until tomorrow morning at ten o'clock.

5th Day. Tuesday morning January 10th 1855.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

311 John L. Hutcheson Appellant
v.
Thomas B. Catron Appellee } Appeal from 2nd district. Santa Fe County.

Comes now the appellee in person and files a motion to dismiss the appeal taken in this cause and to affirm the judgment of the district Court, for reasons set forth in said motion, and the Court not now being sufficiently advised take the cause under consideration

3 Roberts Sadler appellant
v.
W. J. Mayfield and J. P. Sparks appellees. } Appeal from 3rd district Dona County.

Come again the parties by their attorneys and the motion heretofore filed herein by the appellee to dismiss the appeal in this cause as argued on behalf of the appellant by Mr. Elliott, his attorney, and the said motion as taken under advisement by the Court.

It is ordered that Court do now adjourn until tomorrow morning at ten o'clock.

Wednesday morning January 11th A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

282. The Water and Improvement Company Plaintiff in Error
v.
Charles N. Gildersleeve and Teresita M. Gildersleeve Defendants in Error.
} Writ of Error to the 1st. Judicial District. Santa Fé County.

This cause having been argued, and taken under advisement by the court, at a former day of the present term, the court now being sufficiently advised announces its decision by Associate Justice Reeves, Associate Justices Brinker and Henderson concurring, affirming the judgment of the district court of Santa Fé county, from whence this cause came into this court, for reasons which are set forth in the opinion on file.

It is therefore considered adjudged and decreed by the court that the said judgment rendered in this cause by the first judicial district court, sitting within and for the county of Santa Fé, be and the same hereby is in all things affirmed, and that the said defendants in error, Charles N. Gildersleeve and Teresita M. Gildersleeve do have and recover from said plaintiff in error The Water and Improvement Company, as well as from William H. Griffin and H. A. McKenzie the sureties upon the supersedeas bond filed herein by said plaintiff in error, the sum of three hundred and ninety five dollars, with interest thereon at the rate of six per cent. per annum from the tenth day of February A. D. 1886, that being the amount of judgment rendered in said district court, together with their costs in this court, as well as in said district court, laid out and expended, taxed and to be taxed, and that they have execution therefor.

283 August Kirchner, Plaintiff in Error
v.
Sarah L. Langhlin Defendant in Error
} Writ of Error to 1st District Santa Fé County.

This cause now coming on to be heard upon the Transcript and assignment of errors therein filed, the same is now argued on behalf of the plaintiff in error by John H. Knaebel Esq. his attorney, and on the part of the defendant in error by C. H. Gildersleeve and Geo. C. Preston Esqrs. his attorneys, and the court not now being sufficiently advised, take the cause under advisement.

It is ordered that court do now adjourn until Tomorrow morning at ten o'clock.

10th Day Thursday January 12th A. D. 1888.

Thursday Morning January 12th. A D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

368 Francisca Dais de Montoya Appellee
vs.
Pablo Aragon. Appellant
} Appeal from 4th District. San Miguel County.

The motion filed herein by the appellee to affirm the judgement of the district court coming on to be heard, the same is postponed at the request of the appellant, until tomorrow morning.

356 Charles Seidles. Appellant
vs.
A. J. Maxfield and J. P. Sparks. Appellees
} Appeal from 3rd District Sierra County.

The court now being sufficiently advised upon the motion of said appellees heretofore, at the present term, filed, argued and submitted, to dismiss the appeal in this cause, announces its decision overruling said motion, for the reasons set forth in the opinion on file.

345 George W. Hickox. Plaintiff in Error.
vs.
City National Bank. Defendant in Error
} Error to 1st District Court Santa Fé County.

This cause being called for hearing, the plaintiff in Error comes by Messrs Catron Knaebel and Clancy his attorneys, and the defendant in error comes by E. A. Fiske Esq. its attorney, and by agreement of the parties the cause is passed without argument until a subsequent day of the present term.

346 Edward Miller. Plaintiff in Error.
v.
George C. Preston Trustee. Defendant in Error.
} Error to 1st District Court Santa Fé County.

This cause now coming on to be heard upon the transcript and assignment of errors filed herein, the cause is argued on behalf of the plaintiff in error by Francis Downs Esq. his attorney, and the defendant in error argues the cause on his own behalf, and the court not now being sufficiently advised in the premises takes the case under advisement.

349 Juan De Dios Tafoya
v.
Gabriel Martinez, etal } Petition for writ of prohibition

The demurrer heretofore filed herein by the defendants to the petition of the plaintiff now coming on to be heard, the same is argued on behalf of said defendants by W. B. Sloan Esq. their attorney, and on the part of the plaintiff by John N. Kincaid Esq. his attorney, and the court not now being sufficiently advised in the premises, takes the matter under advisement.

It is ordered that court do now adjourn until tomorrow morning at ten o. clock.

11th Day. Friday January 13th A. D. 1888

Friday morning January 13th. A. D. 1888
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings read and approved.

345 George N. Hickox Plaintiff in Error
vs.
City National Bank. Defendant in Error } Error to 1st District Court Santa Fe County.

Come the parties by their respective attorneys, and it is now ordered by the Court that these causes be set down for hearing on Monday next January 16th, the same to be then submitted upon briefs of the parties if there on file, otherwise to be argued orally.

350. John Gerald Potter, Plaintiff in Error.
vs.
The Rio Arriba Land and Cattle Company Limited, et al. Defendants in Error. } Error to 1st District Court. Rio Arriba County.

This cause now coming on to be heard upon the transcript, records and assignment of errors filed herein, the cause is now argued on behalf of the the plaintiff in error by John N. Kincaid Esq. one of his attorneys, and the cause is submitted by said defendants in error on their briefs now on file, and the court not now being sufficiently advised in the premises, declare the cause under advisement.

11th Day Friday January 13th A. D. 1888.

349 Juan de Dios Tapia
v.
Gabriel Martinez, Francisco Chavez, Jose S. Gallegos and Jose Maria Rodriguez } Petition for Writ of Prohibition

Came again the parties by their respective attorneys, and the court being now sufficiently advised upon the demurrer of the defendants herein to the petition of plaintiff, argued and submitted to the court on yesterday, now announces its decision by Associate Justice Reeves, all the other Judges concurring therein, sustaining said demurrer for reasons set forth in the opinion now on file.

It is therefore considered and adjudged by the court that the petition of the plaintiff herein is insufficient in law to entitle the plaintiff to a writ of prohibition as therein prayed against said defendants, and it is ordered that the prayer of said petitioner for a final writ of prohibition be denied.

It is further ordered and adjudged by the court that the writ of prohibition issued in this cause in vacation be quashed and set aside, and that the petition of plaintiff be dismissed. It is also ordered and adjudged that the defendants herein recover of the plaintiff their costs and charges in this behalf laid out and expended and that they have execution therefor.

Barbara Mora, Appellant.
v.
225 Valentine Schick et. al. Appellees } Appeal from 2d District. Bernalillo County.

Came now the appellant by N. L. Warren her attorney and the appellees also come by W. B. Childers their attorney, and they now file a stipulation herein, by which it is agreed that this cause shall be submitted to the court for hearing upon the briefs to be filed by the respective parties during the present term of this Court.

Allowance.

It is ordered by the court that the New Mexican Printing Company be allowed the sum of three hundred and sixty four dollars and thirty five cents ($364.35) payable out of the Territorial treasury, for and on account printing rules of Supreme Court, and making dockets and printing calendars for said court, as per bill filed

That A. M. Stittebach be allowed the sum of twenty four dollars and thirty five cents, Likewise payable for stationery and articles furnished for use of this Court at January term 1887, as per bill filed.

It is ordered that Court do now adjourn until to morrow at ten o'clock.

Saturday morning January 14th 1888.
Court met pursuant to adjournment
Present as upon yesterday.
Proceedings of yesterday read and approved.

258 Robert Black and Henry Fenlon, Appellants. } Appeal from 3rd District.
v. Grant County.
The C. J. L. Meyer and Sons Company, Appellee }

This cause having been argued at a former term of this Court and taken under advisement by the Court, and the Court now being sufficiently advised herein announces its decision by Associate Justice Brinker, all the other judges of the Court Concurring, reversing the decree and judgment of the district Court of the third judicial district sitting within and for the County of Grant, from whence this cause came into this Court, for the reasons set forth in the opinion now on file in this cause.

It is Therefore Considered, adjudged and decreed by the Court that the judgment and decree of the third judicial district Court sitting within and for the County of Grant, rendered in a certain action wherein the C. J. L. Meyer and Sons Company, the appellee herein, was plaintiff, and Robert Black and Henry Fenton, the appellants herein were defendants, and which cause was brought to this Court by appeal, be and the same hereby is in all things reversed and set aside, and this cause is hereby remanded to said district Court with directions to proceed therein in accordance with the judgment and decree of this Court as herein entered and decreed. It is further Considered and adjudged by the Court that said appellants recover of said appellee their costs and charges in this behalf in this Court laid out and expended to be taxed, and that they have execution therefor

265 William B. Childers, Plaintiff, Appellant } Appeal from 2nd district,
v. Bernalillo County.
William E. Talbott, Appellee }

This cause having been argued at a former term of this Court, and by the Court taken under advisement, and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, Chief Justice Long and Associate Justice Reese Concurring, reversing the judgment and decree of the second judicial district Court sitting within and for the County of Bernalillo, for the reasons set forth in the opinion on file.

It is Therefore adjudged and decreed by the Court that the judgment and decree of the second judicial district Court sitting within and for the County of Bernalillo, from whence this

12th Day Saturday January 14th A. D. 1888

cause came into this court, on the case wherein the appellant, William R. Childers as trustee was plaintiff, and the appellee, William E. Talbott was defendant, be and the same hereby is in all things reversed and set aside, and the said district court is ordered and directed to proceed in said cause in accordance with the judgment and directions of this court as herein entered and directed. It is further considered and adjudged by the court that the appellant have and recover from said appellee his costs and charges in this court, in this behalf laid out and expended, to be taxed, and that he have execution therefor.

351. Thomas R. Catron, Plaintiff in Error. v. The Board of Commissioners of Santa Fé County, et. al. Defendants in Error } Error to 1st District Court Santa Fé County.

Come now the parties by their respective solicitors, and by their agreement made in open court it is ordered that this cause be set down for hearing on Saturday the 21st day of the present month.

352 Lucien N. Fewell, appellant v. The Territory of New Mexico, appellee } Appeal from 1st District Rio Arriba County.

This cause now coming on to be heard upon the record and proceedings filed herein, on motion it is ordered that the appellee be given until Wednesday the 18th instant in which to file briefs herein; and this cause is now argued on behalf of said appellant by N. B. Laughlin and John N. Knaebel Esqrs. his attorneys, and by N. B. Sloan Esq. on behalf of the appellee, and the court not now being sufficiently advised in the premises takes the cause under advisement

347 James H. Reckie Plaintiff in Error v. Charles H. Laidlow, Defendant in Error } Error to 3rd District Court. Sierra County.

It is ordered by the court that the motion of the defendant in error heretofore filed herein to dismiss writ of error herein and affirm the judgment of the court below, be set down for final disposition on Wednesday the 18th instant.

12th Day Saturday January 14th A. D. 1888

368

Francisca Sais de Montoya. Appellee
v.
Pablo Aragon. Appellant. } Appeal from San Miguel County.

The motion of the appellee heretofore filed herein now coming on to be heard, and it being shown to the court that the appeal in this cause was taken more than thirty days prior to the first day of the present term of this court, and that said appellant failed to file a transcript of the record and proceedings had in this cause in the district of San Miguel county, from whence this cause was appealed, in this court ten days prior to the first day of the present term of this court, and said appellee now producing and filing a transcript of the proceedings had in said cause in said district court, it is ordered and adjudged that the judgment and decree of the district court, sitting within and for the county of San Miguel be and the same is hereby in all things affirmed.

It is further considered and adjudged by the court that in accordance with the judgment and decree of said district court rendered in this cause, the said appellee, Francisca Sais de Montoya, do have and recover from said appellant, Pablo Aragon, the possession of the following described premises, to wit: That certain tract and parcel of land and real estate lying and being situate in the county of San Miguel and Territory of New Mexico, at the place known as Bado de Juan Sais on the South side of the Pecos river and bounded and described as follows, on the east by the arroya Montoso; on the South by a hill which crosses, and on the west and north the river; and that she have a writ of possession therefor.

It is further considered and adjudged by the court that said appellee, do have and recover of the said Pablo Aragon, appellant, and his sureties upon his appeal bond given in this cause, viz: A. Grzelachowsky and Eduardo Martinez, her costs and charges in this court, as well as in said district court, in this behalf laid out and expended, and that she have execution therefor.

It is ordered that court do now adjourn until next Monday morning at ten o'clock.

13th Day Monday January 16th A. D. 1888.

Monday morning January 16th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon Saturday last.
Proceedings of Saturday read and approved.

Comes now Eugene A. Fiske Esq. a member of the bar of this Court, and as chairman of a committee appointed by a meeting of the attorneys of the first judicial district, announces to the Court the death of Judge R. H. Tompkins, late a member of the bar of this Court, and who was the oldest member of such bar.

And after the said Fiske and Wm Breeden Esq. had spoken of the sterling character and universal regard in which the deceased was held by every one to whom he was known, the said Fiske moved that this Court, out of respect to the memory of said Tompkins, do now adjourn until to-morrow morning.

Chief Justice Long, on behalf of all the members of the court announced that it was the unanimous opinion of the Court that the motion was appropriate, and but a suitable tribute to be paid by the Court to the memory of a member of the bar of this Court who was so universally esteemed for his sterling character as was Judge Tompkins;

Whereupon it was ordered that out of respect to the memory of the late Judge R. H. Tompkins, this Court do now stand adjourned until to-morrow morning at ten o'clock.

Tuesday morning January 17th, A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday
Proceedings of yesterday read and approved.

345 George H. Stickel, Plaintiff in Error
v.
City National Bank, defendant in Error
} Error to 1st Judicial Court. Lincoln Co. Nev.

Upon the parties by their respective attorneys, and by their agreement in open court it is ordered by the court that this cause be submitted for the consideration of the record and briefs of the parties on file, and that the cause remain taken under advisement by the court.

246 Board of Commissioners of Valencia County et. al. Plaintiffs in Error
v.
Atlantic & Pacific Railroad Company defendant in Error
} Error to 3rd Judicial Court, Bernalillo County.

By agreement of the parties by their respective attorneys, it is ordered that the hearing of this cause be postponed until one week from this day at the present hour.

267 H. Barnes Chase, Appellant
v.
268 Nesca M. Chase et. al. Appellees
} Appeal from 2nd Judicial, Bernalillo County.

This cause having been called for hearing it is ordered by the court that the consideration of this cause be postponed until the hearing of the cause number 246 entitled Board of Commissioners of Valencia County et. al. Plaintiffs in Error v. Atlantic & Pacific Railroad Company defendant in Error, and that the appellees Appeal Brief in this cause be filed with the clerk of this court within ten days from this date and the appellants Reply Brief within ten days thereafter.

26[illegible] [illegible] et. al. [illegible]
v.
[illegible]
} [illegible]

[illegible]

14th Day Tuesday January 17th A. D. 1888.

290 Lionel D. Saxton et al. Plaintiffs in Error
v.
The Texas Santa Fé and Northern Railroad Company, Defendant in Error } Error to 1st District Court, Santa Fé County.

This cause having been argued and taken under advisement at a former term of this court, and the court now being sufficiently advised in the premises announces its opinion reversing the judgment of the court below, such opinion being delivered by associate Justice Henderson, associate Justices Reeves and Bonner concurring, Chief Justice Long not sitting, he having tried the cause in the district court.

It is therefore adjudged and decreed by the court that the judgment of the first judicial district court sitting within and for the County of Santa Fé, entered in this cause be and the same hereby is in all things reversed and set aside.

It is further considered and adjudged by the court that this cause be remanded to said district court with instructions to reinstate the same upon its docket and to grant the plaintiffs in error herein a new trial, and then to proceed in said cause in accordance with the opinion of this court filed in this cause, and that a mandate be issued by the clerk of this court accordingly.

It is also considered and adjudged by the court that the plaintiffs in error herein recover of said defendant in error their costs and charges laid out and expended in this court, and that they have execution therefor.

302 Charles O. Butts and William A. Patterson, Appellants
v.
James B. Woods, Appellee } Appeal from 3rd district, Grant County.

This cause having been argued and taken under advisement at a former term, and the court now being sufficiently advised in the premises announces its decision affirming the judgment of the court below, the opinion being delivered by associate justice Bonner, associate justice Reeves concurring therein, Chief Justice Long dissenting, and associate justice Henderson not sitting, he having tried the cause in the district court.

It is therefore considered and adjudged by the court that the judgment of the third judicial district court sitting within and for the county of Grant, rendered in this cause be and the same is hereby in all things affirmed, and that the said appellee, James B. Woods have and recover from said

appellants, Charles O. Butts and William B. Patterson, as well as against Martin V. Maher and Frederick J. Shelton, who were the judgment defendants in the district court, (said last two named persons also being the sureties of appellants upon their appeal and herein) the sum of nine hundred and fifty five dollars ($955) that being the amount of the judgment in said district court, together with interest thereon at the rate of six per cent per annum from the 12th day of June 1886, until paid, as well as their costs and charges in said district court and in this court laid out and expended, to be taxed; and that they have execution therefor.

It is ordered that court adjourn until to-morrow morning at ten o'clock.

15th Day. Wednesday January 18th 1888.

Wednesday morning January 18th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

August Kirchner, Plaintiff in Error
v.
Baron L. Laughlin, Defendant in Error
} Error to 1st District Court. Santa Fé County.

283

This cause having been argued on a former day of the present term, and by the Court taken under advisement, and the Court now being sufficiently advised in the premises, announces its decision, reversing the judgment of the Court below, the opinion of the Court being delivered by associate Justice Reese, all the other judges of the Court concurring therein.

It is therefore considered and adjudged by the Court that the judgment rendered in this cause by the first judicial district Court sitting within and for the county of Santa Fé, be and the same hereby is in all things reversed and set aside, and that this cause be remanded to said district Court with directions to reinstate the cause upon its docket, grant the plaintiff in error therein a new trial and to proceed in said cause in accordance with the decision of this Court, and that the clerk of this Court issue a mandate accordingly to said district Court.

It is further considered and adjudged by the Court that the plaintiff in error herein have and recover of said defendant in error his costs and charges in this behalf in this Court laid out and expended to be taxed.

15th Day Wednesday January 18th A. D. 1888.

352 Lucien N. Fowell, Appellant } Appeal from 1st District.
v. Rio Arriba County.
The Territory of New Mexico, Appellee }

On motion of Wm Breeden Attorney general he is given until Friday of the present week to file briefs on the part of the appellee

273 Neill B. Field, Appellant } Appeal from 2nd District.
v. Socorro County.
Simon Seyser, Appellee }

This cause now coming on to be heard upon the transcript of the record and assignment of errors filed in this court, the cause is argued on behalf of appellant by Thomas B. Catron Esq. his attorney, and on behalf of the appellee by Henry L. Warren Esq. his attorney, and the court not now being sufficiently advised herein takes this cause under advisement.

347 James N. Reekie Plaintiff in Error. } Error to 3rd District Court
v. Sierra County.
Charles N. Laidlaw, Defendant in Error }

The motion heretofore filed in this cause by the defendant in error to dismiss their writ of error in this cause and to affirm the judgment of the court below, for the reason that the plaintiff in error has neglected to file assignment of errors herein, now coming on to be heard, and the Court being duly advised in the premises sustains said motion.

It is therefore considered and adjudged by the court that the writ of error sued out in this cause be and the same hereby is dismissed, and that the judgment rendered by the third judicial district court sitting within and for the County of Sierra, in the cause wherein the defendant in error, Charles N. Laidlaw, was plaintiff and the plaintiff in error, James N. Reekie, was defendant, and at the September term A. D. 1887 of said court, be and the same hereby is in all things affirmed, and the said district court is directed to carry said judgment into execution and effect.

It is further considered and adjudged by the court that said defendant in error recover of said James N. Reekie plaintiff in error, and Richard J. Reekie and James Dalglish, the sureties upon his cost bond filed in this cause, his costs and charges in this behalf laid out and expended, and that he have execution therefor.

It is ordered that court do now adjourn until ten and one half o'clock tomorrow morning.

Thursday morning January 19th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

218 John R. Price & Co. }
v. } Motion to retax costs.
William Garland }

Come now the parties by their attorneys, and by their agreement the motion pending herein to retax costs is passed until some future day of the present term.

—

Barbara Mora Appellant } Appeal from 2nd District,
225 v. } Bernalillo County.
Valentine Schick et. al. Appellees }

Come the appellees by H. B. Childers their attorney, and on his motion leave is given him to withdraw the transcript on file in this cause for the purpose of preparing a brief on the part of said appellees.

Rindeskopf Brothers & Co. et al. }
Appellants } Appeal from 2nd District.
291 v. } Socorro County.
Territory of New Mexico, ex rel }
Simon Leyser, Appellee }

This cause now coming on for hearing upon the transcript and assignment of errors filed herein, the same is argued on behalf of the appellants by R. H. Clancy Esq. their attorney, and is also argued on behalf of the appellee by Henry L. Warren Esq. his attorney, and the court not now being sufficiently advised in the premises, takes the cause under advisement.

It is ordered by the court that the entry hereinbefore made submitting this cause upon the briefs of the respective parties be set aside.

It is ordered that court do now adjourn until half past ten o'clock tomorrow morning.

17th Day Friday January 20th A. D. 1888

Friday morning January 20th. A. D. 1888.
Court met pursuant to adjournment.
Present as on yesterday.
Proceedings of yesterday read and approved.

218. John R. Price & Co
v.
William Garland } Motion to retax costs –

By agreement of the parties it is ordered that the motion pending in this cause to re-tax costs be set down for hearing on Monday morning next.

293. Edward C. Henriquez } Appeal from 2nd District.
Ex parte } Valencia County.

This cause now coming on for hearing upon the transcript and assignment of errors filed herein, the same is argued upon behalf of the appellant, Edward C. Henriquez, by Neill B. Field Esq. his attorney, and Henry L. Warren Esq. argued the cause on behalf of the appellees, and the Court not now being sufficiently advised in the premises, takes the matter under advisement.

It is ordered that Court do now adjourn until tomorrow morning at half past ten o'clock.

18th. Day. Saturday January 21st. A. D. 1888.

Saturday morning January 21st. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

348 Barthold Spitz. Appellant. } Appeal from 1st District.
v. } Santa Fe County.
Abraham Staab Receiver. Appellee }

Now comes said appellant by W. B. Childers his attorney, and on his motion it is ordered by the court that the appeal taken herein be and the same hereby is dismissed.

It is also considered and adjudged by the court that said appellee have and recover from said appellant his costs and charges in this Court in this behalf laid out and expended and that he have execution therefor.

346 Edward Miller, Plaintiff in Error
v.
George C. Preston Trustee, Defendant in Error } Error to 1st Judicial District Court. Santa Fé County.

This cause having been argued and submitted to the court at a former day of the present term, and by the court taken under advisement, and the court now being sufficiently advised in the premises announces its decision by Associate Justice Bruncken affirming the judgment of the court below, Chief Justice Long and associate justice Henderson concurring in the opinion, associate justice Reeves having presided at the trial of the cause in the district court, did not sit.

It is therefore considered and adjudged by the court that the judgment rendered in this cause by the first judicial district Court sitting within and for the County of Santa Fé, be and the same hereby is in all things affirmed, and that said defendant in error, George C. Preston, do have and recover from said plaintiff in error, Edward Miller, as well as from Francis Downs and W. A. McKenzie the sureties upon his superseades bond herein, the sum of two hundred dollars, being the amount of the judgment rendered in said district court, with six per cent. interest thereon from the 27th. day of August A. D. 1887, together with his costs and charges in this behalf in this court, as well as in said district court, laid out and expended, to be taxed, and that he have execution therefor.

357 George L. Brooks, Plaintiff in Error.
v.
Kansas Manufacturing Co. Defendant in Error. } Error to 2nd District Court. Socorro County.

No transcript having been filed in this cause it is ordered by the court that the writ of error be dismissed and the cause stricken from the docket.

338 Henry D. Bates et al. Plaintiffs in Error.
v.
William B. Childers et al. defendants in Error } Error to 2nd district Court. Socorro County.

This cause coming on to be heard upon the transcript and assignment of errors filed therein, the same is argued on behalf the plaintiffs in error by Henry L. Warren Esq. their attorney, and by William B. Childers Esq. attorney for defendants in error, and the court not now being sufficiently advised in the premises takes the cause under advisement.

It is ordered that court do now adjourn until Monday morning at half past ten o'clock.

[illegible] A. D. 18[illegible]
[illegible] and 1875.
[illegible] to appear and
[illegible] Saturday next
[illegible] Saturday next and ajourned.

[illegible]
[illegible] Motion to dismiss.

Felix Garland

The motion heretofore filed herein by John S. Pace and Counsel, appellees to dismiss the writ of Error now coming on to be heard, the matter is argued on behalf of said appellees by S. F. Catron and W. B. Childers Esq. their attorneys and by N. B. Field Esq. on behalf of said Garland, and the Court not now being sufficiently advised in the premises, the matter under advisement.

2486. Board of Commissioners of Valencia County, Plaintiff in Error, v. Atlantic and Pacific Railroad Company, Defendant in Error } Error to 2nd district Court. Bernalillo County.

By agreement of the parties in open Court made known to and heard by the Court that the motions pending in this cause be set down for hearing on the Morning of Court on tomorrow morning.

3442. John E. Sorlina, Plaintiff in Error, v. August Storicht, Defendant in Error } Error to 2nd. District Court. Bernalillo County.

This cause now coming on for hearing upon the Transcript, record and assignment of error filed herein, the same is Argued on behalf of the plaintiff in error by Neill B. Field Esq. his attorney, and by W. B. Childers Esq. attorney for the defendant in error, and the Court not now being sufficiently advised in the premises takes the cause under advisement.

2487 The United States of America, Appellant, v. The San Pedro and Cañon del Agua Company, Appellee } Appeal from 1st Dist. Santa Fé County

The cause having been argued at a former term and the Court now being sufficiently advised in the premises herein, now announces its decision reversing the decree and judgment given and rendered in this cause by the district Court for the first judicial district sitting within and for the County of Santa Fé, the opinion herein

19th Day Monday January 23rd A. D. 1888

being delivered by chief justice Long, associate justice Brinker concurring therein, and associate justice Reeves concurring in the decision of the court in a separate opinion, associate justice Henderson dissenting from such decision and filing a separate opinion.

It is therefore considered and adjudged by the court that the decree and judgment of the first judicial district court sitting within and for the County of Santa Fé, entered in this cause dismissing the bill of complainant, the United States of America, who is the appellant in this court, be and the same hereby is in all things reversed and set aside.

And the said complainant, by its solicitors, Thomas Smith United States district attorney, and Francis Downs and Henry L. Warren Esqrs, move the court to enter a final decree in this cause in accordance with the opinion of the court delivered and filed as aforesaid. and the court not now being prepared to dispose of said motion takes the same under advisement.

It is ordered that court do now adjourn until tomorrow morning at nine o'clock.

20th Day. Tuesday January 24th A. D. 1888.

Tuesday morning January 24th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

315 Thomas B. Catron, Appellee } Appeal from 1st District.
v. } Santa Fé County.
John S. Hutchason, Appellant }

The motion heretofore filed herein by said appellee, Catron, to dismiss the appeal in this cause, having been submitted to and taken under advisement by the Court at a former day of the present term, and the Court now being sufficiently advised thereon does now sustain the same.

It is therefore considered and adjudged by the Court that the appeal herein be dismissed and the judgment rendered in the cause by the first judicial district court sitting within and for the County of Santa Fé, be and the same is hereby in all things affirmed, and the said district court is hereby directed to carry said judgment into execution the same as if no appeal had ever been taken herein, and that the clerk of this Court certify this cause to said district Court.

It is further considered and adjudged by the Court that said appellee have and recover from said appellant his costs and charges in this behalf laid out and expended and that he have execution therefor.

246. Board of Commissioners of Valencia Co. et al. Plffs in Error. } Error to 2d District
v. } Court. Bernalillo County.
Atlantic and Pacific Railroad Co. Defts in Error. }

The motions heretofore filed herein by the defendant in error now coming on to be heard, the same are argued by W. C. Hazeldine on behalf of the defendant in error, and by E. A. Fiske on behalf of the plaintiffs in error. and the Court not now being sufficiently advised take the same under advisement.

264. Abraham Staab et al. Appellants. } Appeal from 2nd district,
v. } Bernalillo County.
Jefferson Raynolds et al. Appellees }

This cause having been argued and submitted to the Court at a former day of the present term and taken under advisement by the Court, and the Court now being sufficiently advised in the premises announces its decision affirming the judgment rendered in this cause by the district Court of the second judicial district sitting within and for the County of Bernalillo, for the reasons set forth in the opinion

on file herein, the opinion of the court being delivered by associate justice Reeves, chief justice Long and associate justice Henderson concurring therein, associate justice Brooker not sitting, he having presided at the trial of said cause in the district court.

It is therefore considered and adjudged by the court that the judgment of said district court be and the same is in all things affirmed and that the appellees herein Jefferson Raynolds and J. S. Raynolds, do have and recover from the appellants, Abraham Staab and Edward Spitz as well as from Louis Ilfeld and Nova. Ilfeld the sureties upon the appeal bond of said appellants, the sum of eight hundred dollars, the amount of the judgment rendered by the said district court in favor of said appellees, together with interest thereon at the rate of six per cent. per annum from the 9th day of September A. D. 1885 until paid, as well as their costs in the said district court, and this court laid out and expended to be taxed, and that they have execution therefor.

344

Gregoria Trujillo de Armijo et al. Plaintiffs in Error
v.
Francisco de Otero Defendant in Error
} Error to 2nd district Court. Bernalillo County.

Came now the respective parties by their respective attorneys, and in accordance with a written stipulation signed by them and filed in this cause, it is ordered by the court that a properly certified copy of the petition of complainants for leave to amend the bill of complaint in the court below, may be sent up to this Court and taken as a part of the record for review of the case in this court, said petition having been omitted from the record through an oversight on the part of complainant's solicitors; and it is further ordered that this cause shall be submitted on briefs without oral argument, on condition that complainants and plaintiffs in error furnish the solicitor of defendants in error with a copy of their briefs either in type or in type-writer character, on or before Saturday, January 28, 1888, briefs on both sides to be printed and filed not later than February 4, 1888.

It is ordered that court do now adjourn until to-morrow morning at half past ten o'clock.

21st Day Wednesday January 23th A. D. 1895.

Wednesday morning January 23th A. D. 1895.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

352 Frank Ruly Appellant
v.
William E. Talbott et al. Appellees

) Appeal from 2nd District.
Bernalillo County.

This cause now coming on to be heard upon the record and transcript of the district Court filed herein, and the assignment of error and joinder thereto, on motion of said appellant H. S. Warren Esq. his attorney this cause is submitted to the court without oral argument upon the briefs of the respective parties, and the Court not now being sufficiently advised in the premises take the cause under advisement.

357 Solon L. Wiley Appellant
v.
The San Pedro and Cairon del Agua Company et. al. Appellees.

) Appeal from 2nd District.
Bernalillo County.

This cause now coming on to be heard upon the record, transcript of proceedings of the district Court, and the assignment of error and joinder thereon, the same is argued on behalf of the appellant by Henry S. Warren Esq. his solicitor, and on behalf of appellees by W. B. Childers Esq. their solicitor, and the Court not now being sufficiently advised in the premises takes the cause under advisement.

312. Board of Commissioners of Bernalillo County, Appellant.
v.
The Territory of New Mexico ex rel. Charles W. Sena, Appellee

) Appeal from 2nd District.
Bernalillo County

This cause having been argued at a former term and taken under advisement, and the court being now sufficiently advised in the premises announces its decision affirming the judgment rendered in this cause by the district Court of the second judicial district for the reasons set forth in the opinion on file, the opinion of the Court being delivered by chief justice Long, associate Justices Reeves and Henderson Concurring therein, associate justice Bantister not sitting he having presided on the trial in the district court.

It is therefore considered and adjudged by the Court that the judgment rendered in this cause by the district Court of the second judicial district sitting within and for the County of Bernalillo be and the same is hereby in all things affirmed, and that said appellee recover of said appellant his costs and charges in this Court and in said district Court in this behalf laid out and expended, and that he have execution therefor.

It is ordered that Court do now adjourn until half past ten o'clock tomorrow morning.

22nd Day Thursday January 26th A. D. 1888.

Thursday morning January 26th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

261. J. Francisco Chaves Appellant. v. Jesus M. Luna etal. Appellees } Appeal from 2nd district. Valencia County.

Came now the appellant by A. L. Warren Esq. his attorney, and the appellees also came by Wm Breeden Esq. attorney General, and by their agreement in open court made this cause is now submitted to the court for hearing upon the record and briefs of the respective parties on file, and the court takes the cause under advisement.

279 Lyons Campbell etal. appellants. v. James B. Woods, Sheriff etal. appellees } Appeal from 3rd District Grant County.

Came now the appellants by W. B. Childers Esq. their attorney, and the appellees also came by Wm Breeden Esq. attorney General, and by their agreement in open court made this cause is submitted to the court for hearing upon the record and briefs of the respective parties on file, and the court takes the cause under advisement.

298. Grayson & Company, Appellants v. Lynch Brothers, appellees } Appeal from 3rd District Doña Ana County.

Came now the parties by their respective attorneys, and on motion it is ordered that this cause stand continued until the next term that may be held of this Court, in accordance with the written stipulation of the parties on file, and that each party have leave to file in the meantime, any further briefs or argument that they may see fit.

355. George H. Pradt. Appellant v. Francisco X Vigil. Appellee } Appeal from 2nd District. Valencia County.

This cause now coming on for hearing upon the record and transcript of proceedings of the district Court. assignment of error and joinder therein, the cause is argued on behalf of appellant by A. L. Warren Esq. his attorney, and the appellee declining to argue the cause orally, the same is now submitted to the court and by the court taken under advisement.

22nd Day Thursday January 26th A.D. 1888

357 Edwards E. Doheny et al. appellants. } Appeal from 3rd District
v. Sierra County.
John J. Bell et al. appellees

Came now the appellants by J. Morris Young their attorney, and on his motion it is ordered that this cause stand continued until the next term of this court, and leave is given each of said parties to file additional briefs herein within ninety days from this date.

384. John Hanna, appellant. } Appeal from 2nd District.
v.
The United States of America, appellee

It is ordered by the court that this cause be set down for hearing on the convening of court on to-morrow morning.

364. The Pueblo of Acoma, appellant. } Appeal from 2nd District.
v. Valencia County.
Joseph E. Saint et al. appellees

Comes now the appellant by Thomas Smith Esq. United States district attorney, and files a motion requesting the court to set aside and vacate the judgment entered in this cause on the third day of the present term affirming the judgment of the district court rendered in this cause.

246. Board of Commissioners of Valencia Co et al. Plaintiffs in error } Error to 3rd District Court
v. Bernalillo County
Atlantic & Pacific Railroad Co. defendant in Error

The court now being sufficiently advised upon the motions heretofore argued and submitted to the court on behalf of the defendant in error to quash the writ of error issued herein and strike this cause from the docket, sustains the same.

It is therefore considered and adjudged by the court that the writ of error issued in this cause by the clerk of this court be quashed and set aside, and that this cause be stricken from the docket of this court. It is further considered that said defendant in error recover from said plaintiffs in error its costs and charges in this behalf in this court laid out and expended to be taxed, and that execution issue therefor.

It is ordered that court do now adjourn until tomorrow morning at half past ten o'clock.

23rd Day Friday January 27th A. D. 1888.

Friday morning January 27th. A. D. 1888.
Court met pursuant to adjournment.
Present as of yesterday.
Proceedings of yesterday read and approved.

283 August Kirchner, Plaintiff in Error
v.
Baron L. Laughlin, Defendant in Error
} Error to 1st District Court. Santa Fe County.

The court now being sufficiently advised upon the motion filed herein by the defendant in error to modify a part of the opinion filed in this cause, denies such motion.

352. Lucian A. Fewell appellant.
v.
Territory of New Mexico, Appellee
} Appeal from 1st District Rio Arriba County.

This cause having been argued on a former day of the present term and taken under advisement by the Court, and the court now being sufficiently advised in the premises announces its decision reversing the judgment of the district court rendered in this cause, the opinion being delivered by associate justice Brinker, associate justice Henderson and chief justice Long concurring therein, and associate justice Reeves concurring the granting of a new trial in the cause.

It is therefore considered and adjudged by the Court that the judgment rendered in this cause by the district court of the first judicial district, sitting within and for the County of Rio Arriba, be and the same is hereby in all things reversed and set aside, and it is ordered that this cause be remanded to said district court with instructions to reinstate the same upon its docket and to grant the appellant herein a new trial, and to proceed in this cause in accordance with opinion herein filed.

It is further considered and adjudged by the court that said appellant recover of said appellee, the Territory of New Mexico, his costs and charges in this behalf laid out and expended to be taxed

358 John Hanna, Appellant
v.
The United States, Appellee
} Appeal from 2nd. District

This cause now coming on to be heard upon the record, transcript of proceedings of the district court and assignment of errors and joinder therein filed in this court, the cause is argued on behalf of said

23rd Day Friday January 27th A. D. 1888

appellant by W. B. Childers Esq. his attorney, and on behalf of the appellee by Thomas Smith Esq. United States District attorney, and the Court not now being sufficiently advised in the premises take the cause under advisement.

J. L. Hall Admitted as attorney.

On motion of M. A. Breeden Esq. it is ordered by the Court that J. L. Hall a member of the bar of the first judicial district Court of this Territory, be admitted as an attorney and Counsellor at law in this Court, and he now appears in open Court and takes the oath prescribed by the rules of this Court to be administered to attorneys and Counsellors at law.

Allowance. W. E. Gortner

It is ordered by the Court that W. E. Gortner be and he is hereby allowed the sum of one hundred and eighty dollars ($180) payable out of the Territorial treasury, for eighteen days services at the present term of this Court as stenographer.

It is ordered that Court do now adjourn until tomorrow morning at half past ten o'clock.

24th Day Saturday January 28th A. D. 1888.

Saturday morning January 28th. A. D. 1888.
Court met pursuant to adjournment.
Present as upon yesterday.
Proceedings of yesterday read and approved.

The United States of America,
Plaintiff in Error.
v.
John Gwyn et al.
Defendants in Error
} Error to first District Court.

280.

The motion filed herein by the defendants in error to quash the writ of error in this cause and strike this cause from the docket having been argued at a former term and taken under advisement by the court, and the court now being sufficiently advised in the premises announces its opinion sus-

taining said motion for the reasons set forth in an opinion given and filed by associate justice Reeves, all the other judges concurring therein.

It is Therefore considered and adjudged by the Court that the writ of error sued out in this cause be quashed and set aside, and that this cause be stricken from the docket of this court.

It is further considered and adjudged by the Court that said defendants in error recover of the plaintiff in error their costs and charges in this behalf laid out and expended.

Jesus Maria Chaves y Garcia.
Plaintiff in Error
v.
Jos P. Whitney et. al. Defendants in Error
} Error to 2nd District Court. Bernalillo County.

248

This cause having been argued at a former term and by the court taken under advisement, and the court now being sufficiently advised in the premises announces its decision reversing the judgment rendered in this cause by the district court for the reasons set forth in the opinion on file, said opinion being delivered by associate justice Henderson, Chief justice Long and associate justice Reeves concurring therein, associate justice Brinker not sitting he having presided on the trial of the cause in the district court.

It is therefore considered and adjudged by the court that the judgment rendered in this cause by the second judicial district court sitting within and for the county of Bernalillo, be and the same hereby is in all things reversed and set aside, and that this cause be remanded to said district court with instructions to sustain the motion of the plaintiffs in error for a new trial, and there to proceede in said cause in accordance with the opinion on file in this cause, and that the clerk of this court issue a mandate to said district court accordingly.

It is further considered and adjudged that said plaintiffs in error recover from said defendants in error their costs and charges in this behalf laid out and expended to be taxed and that they have execution therefor.

James L. Fuller Appellant.
v.
The United States of America, Appellee
} Error to 3rd District Court.

301

This cause now coming on to be heard upon the record and transcript of the proceedings

34th Day Saturday January 28th A. D. 1888

filed in the district court and filed therein, the same is argued on behalf said appellant by Wm. I. Thornton Esq. his attorney, and on the part of the appellee by Thomas Smith Esq. United States district attorney, and the court not now being sufficiently advised in the premises takes the cause under advisement

It is ordered that court do now adjourn until Monday morning at half past ten o'clock.

25th Day. Monday January 30th A. D. 1888.

Monday morning January 30th A. D. 1888.
Court met pursuant to adjournment.
Present as upon Saturday last.
Proceedings of Saturday read and approved

306. Charles H. Seidler, appellant
v.
Linwood Lafave, appellee
} Appeal from 3rd District Sierra County.

Now comes said appellant by A. B. Elliott Esq. his attorney, and suggests and shows to the court that the transcript certified and returned by the clerk of the district court, and on file in this cause is imperfect and incomplete, and on motion of said appellant it is ordered by the court that the clerk of the third judicial district court be and he is hereby directed to make out and certify under his hand and the seal of said court, a full true and perfect transcript of the record and proceedings had in the above named cause by the district court of the third judicial district sitting within and for the County of Sierra, and return the same to the clerk of this court at least ten days before the next term of this court, and the clerk of this court is directed to send a certified copy of this order to said district court clerk.

355. The United States of America appellee
v.
John Hanna, Appellant
} Appeal from 2nd district

This cause having been argued at a former day of the present term of this court, and

by the court taken under advisement, and the court now being sufficiently advised in the premises announces its decision affirming the judgment and sentence of the district court, for the reasons set forth in the opinion now on file herein, the opinion of the court being delivered by Henderson associate justice, chief justice Long and associate justice Reeves concurring therein, associate justice Brinker having presided on the trial of the cause in the district court did not sit on the hearing in this court.

It is therefore adjudged and decreed by the court that the judgment and sentence of the second judicial district court rendered in this cause be and the same hereby is in all things affirmed.

It is further considered and adjudged by the court that the said John Hanna is guilty as set forth in the indictment and judgment of said district court, and that the said John Hanna be confined at hard labor in Territorial penitentiary at Santa Fé New Mexico for the period of two years, as is set forth and adjudged by the record and judgment of the said district court. It is also adjudged that the appellee, the United States of America recover of said John Hanna all costs and charges in this court and in said district court taxed laid out and expended and that execution issue therefor.

It is further ordered that the United Marshal shall convey said John Hanna from the jail at Albuquerque New Mexico, where he is now confined, to the said penitentiary at Santa Fé, and deliver him to the warden thereof, and that the clerk of this court issue the proper commitments order and precepts necessary to carry this judgment into effect.

345 George N. Hickox, Plaintiff in Error
v.
City National Bank, Defendant in Error
} Error to 1st. district court. Santa Fé County.

This cause having been submitted to the court on the briefs of the respective parties at a former day of this term, and taken under advisement by the court, and the court being now sufficiently advised in the premises announces its decision affirming the judgment of the district for the reasons set forth in the opinion on file, the opinion of the court being delivered by associate justice Brinker, chief justice Long and associate Henderson concurring therein, associate justice Reeves having presided on the trial of the cause in the district court did not sit on the hearing thereof in this court.

It is therefore considered and adjudged by the court that the judgment rendered in this cause by the district

court of the first judicial district sitting within and for the county of Santa Fé, be and the same hereby is in all things affirmed.

It is further considered and adjudged by the Court that the defendant in error herein, The City National Bank do have and recover from said plaintiff in error, George H. Hickox, as well as from Willi Spiegelberg and William P. Hixson the sureties upon the supersedeas bond filed herein by said plaintiff in error, the sum of six hundred and seven dollars and thirty cents, being the amount of the judgment rendered in this cause by said district court, with interest thereon at the rate of six per cent. per annum from the 27th day of August A. D. 1887, until paid, together with its costs and charges taxed herein and expended in this court and in said district court and that execution issue therefor.

Mark G. Hardee et al appellants.
v.
The Singer Manufacturing Co. appellee
} Appeal from 3rd District. Sierra County.

304.

This cause having been argued at a former term of this court, and by the court taken under advisement, and the court now being sufficiently advised in the premises announces its decision affirming the judg. of the district court rendered in this cause, the opinion of the court being delivered by chief justice Long, associate justices Brinker and Reeves concurring therein, associate justice Henderson having presided on the trial of the cause in the district court did not sit on the hearing of the cause in this Court.

It is therefore considered and adjudged by the court that the judgment of the third judicial district Court rendered in this cause, sitting within and for the County of Sierra, be and the same hereby is in all things affirmed.

It is further considered and adjudged by the court that the said appellee, the Singer Manufacturing Company do have and recover from said appellants Frank G. Hardee, Harvey N. Whitehill and Martin V. Cox Administrator of Joseph McLaffery, as well as from sureties upon the appeal bond of said appellants, the sum of two hundred and thirteen dollars and seven cents, with interest thereon at the rate of six per cent. per annum from the 26th day of June A. D. 1886, that amount being the amount of the judgment rendered in this cause by said district court, as well as the costs of said appellee in said district court and in this court

taxed laid out and expended; and that appellee have execution for the enforcement of this judgment

364 The Pueblo of Acoma, Appellant } Appeal from 2nd District,
v. Bernalillo County.
Joseph E. Saint et al. Appellee }

The Court now being sufficiently advised upon the motion heretofore filed by the appellant to set aside the judgment affirming the judgment of the district court in this cause, does now overrule the same; and refuses to set aside said judgment.

236 Charles Wheeler Plaintiff in Error } Error to District
v. Court Colfax County
Henry Frick Defendant in Error }

The Court being now advised upon the motion heretofore filed herein asking that the judgment of said district court be affirmed, sustains the same for the reasons set forth in said motion, and orders and directs that the judgment rendered by the district court in this cause be in all things affirmed.

It is therefore considered and adjudged by the Court that said judgment be affirmed, and that said defendant in error Henry Frick have and recover from said from said Charles Wheeler plaintiff in error, and from Louther Sprouls, Albert G. Shaw, W. J. P. Williams and John Howe the sureties upon the supersedeas bond filed herein by said plaintiff in error, the sum of eighteen hundred dollars ($1,800.00) the amount of the judgment rendered by said district Court, with six per cent interest thereon from the 30th day of April A. D. 1885, together with his costs and charges taxed laid out and expended in said district Court, and in this Court and that he have execution therefor.

345 George W. Hickox Plaintiff in Error } Error to 1st Dist.
v. Court
The City National Bank Defendant in Error } Santa Fe County.

Comes now said plaintiff in error and files a motion herein requesting the Court to grant him a reargument and rehearing in this cause and the Court being advised does overrule said motion

35th Day Monday January 30th A. D. 1888.

U. S. Attorneys Account.

Whereas Thomas Smith United States District attorney for the Territory of New Mexico has rendered and presented to the court ~~an~~ itemized statements of the services performed by him at and previous to the present term of this court, and the same being supported by the oath of said district attorney, and it appearing to the court that said accounts are just and reasonable, it is therefore ordered by the court that said accounts amounting to the sum of six hundred and ninety dollars be allowed and approved.

U. S. Marshalls Account.

Whereas Romulo Martinez, United States Marshal for the Territory of New Mexico has presented to the court an itemized statement of the disbursements for miscellaneous expenses incurred at the January term A. D. 1888. at Santa Fe' New Mexico of the United States Supreme Court. with the items and vouchers thereof, in presence of Thomas Smith United States district attorney, has proven an oath to the satisfaction of the court that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and that on the day for which per diem is charged business was actually transacted in court, and whereas said charges appear to be just and according to law;

It is hereby ordered that said account amounting to the sum of Two hundred and fifty eight dollars. be and the same is hereby approved.

Whereas Romulo Martinez United States Marshall for the Territory of New Mexico has presented to this court an account of his fees and expenses from the second day of January A. D. 1888 until and including the 30th day of January A. D. 1888, with the vouchers and items thereof, and in the presence of Thomas Smith United States attorney has proven an oath to the satisfaction of the court that the services and traveling charges therein stated were actually and necessarily rendered and incurred, and that the days on which per diem is charged business was actually transacted in court, and whereas said charges appear to be just and according to law, it is hereby ordered that said account amounting to two hundred dollars be and the same is hereby approved

25th Day Monday January 30th A. D. 1888.

Whereas R. M. Force clerk of the Supreme Court of the Territory of New Mexico has presented to this court an account of his fees and services performed at and previous to the present term of this court, with the items thereof, and in the presence of Thos. Smith United States attorney has proven on oath to the satisfaction of the court that the services therein charged have been actually and necessarily performed as therein stated, and on the days for which per diem is charged business was actually transacted in court; and whereas said charges appear to be just and according to law, It is ordered that said account amounting to five hundred and twenty nine dollars, be and the same is hereby approved.

It is ordered by the Court that the following allowances be made as a part of the expences of holding the present term of this court, payable out of the Territorial treasury, viz:

To R. M. Force clerk for revising and superintending publication of rules of Supreme Court.	$ 30.00
To R. M. Force clerk for making judges docket.	$ 15.00
To R. M. Force clerk for making calender for Court.	$ 15.00
To R. M. Force for postage stamps, stamped wrappers used in sending rules to attorney as required by law, and for stationery for use of court.	$ 18.00
To R. M. Force clerk for recording opinions rendered at meeting of court in June and January term 1888, 535 folios	$ 53.50.
To R. M. Force clerk for 25 days attendance on Court at January term A. D. 1888. @ $4.00	$ 100.00
To Donoghue & Maurin for repairing fire place in Court room,	$ 2.00
To William Sawyer for wood furnished for judges chambers.	$ 1.00

247. The United States of America, Appellant v. The San Pedro and Canon de Agua Company, Appellee } Appeal from the First District, Santa Fe County.

The court now being sufficiently advised upon the petition filed by the defendant herein on the 28th day of January 1888; requesting the court to grant said defendant a rehearing of this cause, does now overrule such petition and refuses to grant the same for the reasons set

forth in an opinion filed by chief justice Long.

And the court having considered the motion of the appellant and complainant herein that a final decree be entered in this cause in accordance with the finding, opinion and decision of this Court rendered, and pronounced as aforesaid, and which said motion is not resisted by the said defendant and appellee, it is ordered that the said motion of said appellant be, and the same hereby is sustained, and in accordance therewith and in pursuance of law this court doth find:

That by and upon the record of the pleading, evidence and proceedings in said cause filed and now remaining in this court the rights and equities of this cause are for and with the said complainant and appellant and that all the material statements, facts and allegations in the said complainants original bill of complaint and in complainants supplemental bill of complaint in this cause set forth contained and alleged are true as therein stated and set forth, and this court finds all the issues joined in said cause for the said complainants and that the said complainant is entitled to the relief prayed in and by said bill and supplemental bill of complaint in this cause.

It is therefore ordered adjudged and decreed by this court that the patent issued by the United States of America to Jose' Serafin Ramirez and to his heirs and assigns bearing date on the first day of July A. D. 1875, of which said patent exhibit A. filed with the bill of complaint of said complainant and appellant in this cause is a copy, and the survey of the land in said patent mentioned and described and the plat of said survey deposited in the General Land office of the United States mentioned and recited in the said patent be, and the same are hereby respectively forever annulled, set aside and held for naught for any and all purposes whatsoever, and all right, title or interest held or claimed by the said defendant and appellee in this cause derived or claimed by, through or under the said survey and plat and said patent so issued as aforesaid to the said Jose' Serafin Ramirez, in and to the said land and premises in said patent mentioned and described and bounded as follows, to-wit: Beginning at a point in the road from the Placer del Inserto to Pals Amarillo, on the established boundary of the San Pedro grant (Claim No. 14, confirmed to Serafin Ramirez.) twenty seven chains and seventy links east of the twenty-sixth mile corner on the north boundary line of said San Pedro grant, at which point is set a quartz stone 22 x 13 x 8 inches, marked "6 del A. Cl." on north face; from which a pinon 8 inches diameter bears S. 64 deg. E. 79 links, and a pinon 6 inches diameter bears N. 5 deg. W. 143 links distant.

Thence north 48 deg. E along the road from Placer del. Inserto to Amarillo. At 10 chains set a limestone 25 x 11 x 7 inches marked

28th Day Monday January 30th A. D. 1888

"+" on west face, from which a pinon 6 inches diameter bears S. 36 deg. W. 30 links, and a pinon 10 inches diameter bears N. 27. deg W. 31 links distant.

Thence north 36½ deg. E along said road. At 8 chains set a granite stone 20×12×4 inches, marked "+" on west face, from which a pinon 10 inches diameter bear N. 28 deg. E. 110 links, and a cedar 7 inches diameter bears S. 35 deg E. 47 links distant.

Thence north 65 deg. 30 min. E. along said road. At fourteen chains set set a limestone 24×10×3 inches, marked '+' on west face; from which a cedar 18 inches diameter bears N. 40 deg. E. 19 links, and a pinon 6 inches diameter bears S. 10 deg. W. 174 links distant.

Thence north 58 deg. E. along said road. At eleven chains set a granite stone 20×10×3 inches marked '+' on west face, from which a pinon 7 inches diameter bears N. 4 deg. E. 91 links, and a pinon 9 inches diameter bears S. 17 deg. W. 352 links distant.

Thence north 45 deg. E. along said road. At twenty-seven chains set a granite stone 20×14×4 inches marked '+' on west face from which a pinon 10 inches diameter bears S. 85 deg. E. 96 links, and a pinon 8 inches diameter bears N. 45 deg. W. 172 links distant.

Thence north 27½ deg. E. along said road. At 10 chains set a granite stone 21×14×4 inches, marked '1 M.' (for one mile from place of beginning), from which a pinon 10 inches diameter bears S. 46 deg. E. 288 links, and pinon 8 inches diameter bear N. 68 deg. W. 156 links distant. At thirty-two chains set a granite stone 20×13×3 inches, marked '+' on west face, from which a pinon 7 inches diameter bears. S. 87 deg. E. 190 links, and a pinon 5 inches diameter bears N. 28 deg. W. 325 links distant.

Thence north 6 deg. E. along said road. At 10 chains set a granite stone 30×19×8 inches, marked '+' on west face, from which a pinon 5 inches diameter bears N. 55 deg. E. 113 links, and a pinon 5 inches diameter bears S. 61 deg. W. 72 links distant.

Thence north 2 deg. and 45 min. W. along said road. At eighteen chains a house fifty links west of line; at 26 chains and 80 links northwest corner of mill; at 29 chains and 8 links terminus of road in Placer del Iuerto, where set a granite stone 21×12×6 inches, marked on west face '+' from which southeast corner of house belonging to José Serafin Ramirez, bears N. 36 3/4 deg. W. 27 links distant, and made a trench six feet square, sides to cardinal points.

Thence South 66 deg. E. in the direction of the highest summit of the Sierrita del Iuerto. At 92 links arroyo bears north and south; at three chains and sixty seven links house in Placer del Iuerto; at three chains and 92 links over house; at seven chains and 2 links southwest corner of church in Placer del Iuerto, and leave town; at 18 chains and 92 links set a granite stone 20×14×4 inches, marked "2 M." on west face, from which a pinon 6 inches diameter bears S. 75 deg. E. 126 links distant; variation 13 deg. 30 min. east. At 23 chains and 92 links a road bears northeast and

[illegible] and 25 chains and 25 links [illegible] and 25 chains and 25 links [illegible] and 25 chains and 25 links [

and 18 links ascend hill. At three miles 43 chains and 18 links top of hill. At three miles 51 chains and 31 links intersect east boundary line of San Pedro grant and survey, 11 chains and 17 links north of twenty-second mile corner on said line and survey, where set a lime-stone 26 x 13 x 6 inches marked "Odel N. C." from which a juniper 8 inches in diameter bear N. 35 deg. E. 54 links, and a juniper 12 inches diameter bears S. 8. deg. E. 89 links distant.

Thence north along the east boundary of San Pedro grant survey. At 68 chains and 83 links twenty-three mile corner on said boundary line. At one mile 68 chains and 83 links twenty-four mile corner on said boundary line. At two miles 33 chains and 47 links the northeast corner of San Pedro grant survey.

Thence west along north boundary of San Pedro grant and survey. At 35 chains and 36 links twenty-five mile corner on said boundary line. At one mile 7 chains and 66 links reaches the place of beginning. Containing three thousand five hundred and one acres and twenty-one hundredths of an acre; and all right title and interest of any and all persons whomsoever claiming the said land above described or any part thereof under by or through the said defendant and appellee the San Pedro and Canon del Agua Company, or by through or under the said José Serafin Ramirez under and by virtue of the said survey, plat and patent hereinbefore mentioned, be and the same hereby is forever divested annulled and held for naught.

And it is further ordered adjudged and decreed that the said defendant and appellee the San Pedro and Canon del Agua Company and all persons claiming by, through or under said company or by through or under the said José Serafin Ramirez, be, and they hereby are forever enjoined from asserting any title or interest in or to the said hereinbefore described lands or any part thereof under or by virtue of the said patent or the said survey or plat thereof, and it is further ordered adjudged and decreed that the said defendant and appellees the San Pedro & Canon del Agua Company, its agents, attorneys, servants, employés and all persons acting under or on behalf of the said Company be and they hereby are forever enjoined and restrained, from in any manner mining, or working mine mineral deposits, veins or lodes of mineral bearing quartz or rock, and from mining or extracting any ore, metal or mineral within the boundaries of the said tract of land hereinbefore mentioned and described and embraced within the said survey and patent hereinbefore mentioned under claim or color of right or title under the said survey, plat and patent hereinbefore mentioned, and from taking out, using, removing or appropriating any minerals ores or mineral bearing quartz or rock, mined from or taken out of the lands, veins or lodes within

28th Day Monday January 30th A. D. 1888

the limits or boundaries of said tract of land hereinbefore described, and from cutting or causing to be cut the trees growing upon said tract of land, or in any manner committing waste upon the same or any part thereof under color of the said survey, plat and patent hereinbefore mentioned, and that a proper and sufficient writ of injunction issue out of this court perpetually enjoining and restraining the said defendant and appellee its agents, attorneys, servants, employees and all persons acting under or on behalf of the said Company from the commission of any of the said acts hereinbefore mentioned and as prayed in said by the said complainants supplemental bill of complaint in this cause.

It is further ordered adjudged and decreed that the said complainant and appellant have and recover from the said defendant and appellee herein the costs of this cause in this court and in the said district court to be taxed by the clerk of this court, and that said complainant have execution therefor.

Statement of Facts.

Now on this twenty-seventh days of January A. D. 1888 in the foregoing cause comes the defendant and appellee, The San Pedro and Canon del Agua Company, and file and present to the Court the following motion to wit:

The United States

vs.

The San Pedro and Canon del Agua Company

In the Supreme Court of the Territory of New Mexico, January Term 1888.

Now comes the said defendant and appellee, and moves the court to make and certify a statement of the facts of the case and also the rulings of the court on the admission or rejection of evidence, to be transmitted to the Supreme Court of the United States upon appeal of this cause to that court.

Henry L. Waldo, William Breeden, Catron, Thornton and Clancy, Solicitors for Defendant.

And said motion being consented to by the United States through its solicitors, the same is now sustained, and the court makes and certifies the following as a statement of the facts proven and established by the evidence in the record in this cause.

On the 12th day of February 1844, José Serafin Ramirez was a citizen of the Republic of Mexico and a resident of Santa Fé in the department of New Mexico within said government. On that day he made out as such citizen a petition to the Governor of the department of New Mexico, of which the following is an exact copy:

Most Excellent Governor of the department of New Mexico:

Most Excellent Sir: The undersigned, José Serafin Ramirez y Cascomba, first auditing officer of the departmental treasury of New Mexico, and Lieutenant of Auxilliary Cavalry, with great

respect appears before your excellency and states, that having a right as to do not only as a citizen but at the same time being considered an employee of the nation, in actual service for some years, and a creditor to the government to a large amount, therefore, I apply to your excellency in the name of the donation laws of the 4th of January 1813 and the 18th of August 1824, and on the name of the Mexican nation, asking for a tract of vacant land known as the Canon del Agua, near the Placer of San Francisco, called the Placer del Iniento, and distant from that town about one league more or less. The land I ask for is vacant and without owner, and I solicit it because I have no possession or property by which can support my family.

The boundaries solicited are, on the north the road leading from the Placer to the Palo Amarillo, and on the south the northern boundary of the San Pedro grant, on the east the spring of the Canon del Agua, on the west the summit of the mountain known as My own, as will appear by the accompanying document no. 1, for which I ask your ratification and that of the departmental assembly in the manner that I received from my grand father, Don. Francisco Dias de Miradillos, and I ask that this title be ratified according to the mining ordinances dated in the year 1813, title 5 article 1, in view of all which I pray and request your excellency to grant me the possession of the mine to work at and the land which it embraces, which is about one league for cultivation and pasturing my animals and for grinding ore and smelting metal.

Santa Fé February 12. 1844.

(signed) Jose Serafin Ramirez."

Thereupon the following record was made by the Political and Military department of New Mexico, to wit:

"Political and Military Government of the Department of New Mexico.

"Having reported your memorial with which you accompany the evidence of title which you have in a mine at the Placer of San Francisco as heir of your deceased grandfather, Don Francisco Dias de Miradillos, which was worked and registered by don. Jose Bacildo Lopez de Vera as his agent in the year 1776. The departmental assembly having your petition before them and the advice addressed by this government to the treasurer of the revenue of the nation of this department, have this day resolved: Departmental Assembly of New Mexico in session this day, this departmental Assembly decree:

That Don Jose Serafin Ramirez auditor of the departmental treasury and the other heirs of Don Francisco Dias de Miradillos deceased, having a right as grand children to the mine referred to in the petition and title of possession and property and profits as expressed in the mining laws, and further decree that his excellency, Governor of this Department, in conformity with the colonization laws shall grant the tract of

25th Day Monday January 30th A. D. 1888

Land prayed for. (Signed) Martinez President. (Signed) Ortiz Secretary.
And in answer to your petition, I grant you the track asked for and the revalidation to the title to the mine which are enclosed herewith.
God and Liberty. Santa Fé February 12th, 1884.
(Signed) Mariano Martinez.

To Don Jose Serafin Ramirez, auditor of the departmental treasury, Santa Fé.
To his excellency Don. Mariano Martinez, governor of this department, Santa Fé.
Marcario Martinez de Sagabjin, brevet brigadier general, governor and general commander and inspector of the department of New Mexico: I certify as far as I should and can that I am acquainted with Don Jose Serafin Ramirez y Cansonoba, auditor of the departmental treasury and at the present acting treasurer of the same whom I know for a certainty to have maintained an irreproachable character in the discharge of his duties as such officer which he also maintains in all his private affairs, as also his loyalty to the government and superior authorities; that he is a peaceable man and fully qualified to discharge the duties required of him or any other matters confided to his care, great industry, giving flattering hopes of advancement in the service of the nation in whose employment he is.
The above, which is extracted from another certificate is deemed sufficient for the authorities to whom the party is interested may apply to be informed of the qualifications he possesses. Therefore this certificate is extended at the capital. Santa Fé on the 8th, of February, 1844.
(Signed) Marcario Martinez.

Office of the first court of justice (o) and public revenue (o)
Santa Fé, September (February) 15th. 1844.
In compliance with a decree of his excellency, Marcario Martinez, governor and general commander of this department, D. Santiago Flores, first justice of the illustrious corporation of the city of Santa Fé, and judge of the original jurisdiction and of the revenue of this department of New Mexico, should decree, and in effect do decree, and said justice by virtue of this petition and official decree of his excellency should give as in effect I do give to the first auditor of the departmental treasury the judicial possession in the name of the Mexican nation of the land known as the Canon del Agua in the Place of San Francisco with the boundaries set forth in the petition, which are as follows; on the north the road of the Palo Amarillo, on the south, the boundary of the ranches San Pedro, on the east the spring of the Canon del Agua, on the west the highest summit of the little mountain of El Puerto, adjoining the boundary of the mine known as inherited property from this date according to the colonization laws of the republic and I, the said justice, certify this with the two witnesses, Jesus Rivera and José Aguilar, to which I certify according to law.
(Signed) Jose. Aguilar.
(Signed.) Santiago Flores.

The said Jose. Serafin was then given juridical possession on the 15th. day of February 1844, of the lands described in this petition as known and described in the act of juridical possession signed as above

shown by Santiago Flores. Jose Serafin was a man of large intelligence and an officer of the Mexican government, thoroughly familiar and well acquainted with the track of land described in his grant above set forth. He frequently visited the land and inspected it; and for many years conducted mining operations upon parts of it. In February 1844, and for many years before that date, the town of Real de San Francisco was the center of a large mining camp, from which mining operations were conducted in all directions, and bore a population in February 1844 of from two to four thousand. Mines were worked for gold and silver, and at that date the country around and about San Francisco was a well known mineral region. Between 1846 and 1859, Jose Serafin Ramirez resided sometimes at Santa Fe, sometimes at San Pedro and by personal observation had the opportunity to know well the location of the Cañon del Agua spring, of the Little Sweet Mountains, of the Palo Amarillo road, of the Real de San Francisco and all the intermediate country. In 1859 Serafin Ramirez filed before the surveyor general of New Mexico, (Pelham) his petition, asking the official recognition of the government of the United States to his said grant, and involving the action of the Interior department through the surveyor general respecting the same. His petition was in the following words:

United States of America, Territory of New Mexico.

Notice. "The surveyor general of New Mexico is hereby notified that the undersigned, Jose Serafin Ramirez, a resident of the County of Bernalillo, Territory of New Mexico, and a citizen of the United States of America under the treaty of 1848, between the United States of America and the Republic of Mexico, claims originally a tract of land that was donated by the authorities legitimately constituted and authorized to make such donations by the laws and government of Mexico, on the 12th day of February, 1844, by virtue of the authority vested in the governor and departmental assembly, said claim as will be seen by reference to the documents, is complete, said grant of land was made and confirmed by General Mariano Martinez, Governor and Commander in chief under the authority of that government on the 13th day of February, 1844, and juridical possession given on the 15th, day of the same month, said granting officers granted the same under the authority of the colonization laws of Mexico and the laws of Spain in force at the time the land was granted. The quantity of land claimed is five thousand varas square, making one Castilian league, and bounded on the north by the Placer road that goes down to the Yellow timber; on the south the northern boundary of the San Pedro grant, on the east the spring of the Cañon del Agua; on the west the summit of the mountain of the mine known as the property of your petitioner, as appears by the original title deeds accompanying the notice, numbered 1. 2. 3. 4. 5. The land claimed does not conflict with any other lands granted by the said government of Spain and Mexico, to prove which he offers the evidence necessary to prove his claim, the claimant to which is the original grantee.

Very respectfully. José Serafin Ramirez."

The land grant for which recognition and confirmation was thus sought by José Serafin Ramirez, was one which had been granted to him by the Mexican government, not under the mining ordinances of said government, but under the authority of the colonization laws of Mexico and the laws of Spain in force at the time the land was granted to wit; in February 1844.", which fact is shown in the petition filed by said Ramirez in the surveyor general's office aforesaid. The surveyor general of New Mexico set the said application of the said Ramirez, down for hearing and consideration, and on the 10th. day of January 1860, the same was heard by the said surveyor general, and proofs were introduced by said Ramirez before the said surveyor general to establish his claim. It was found and so entered of record by the said surveyor general, that the said José Serafin Ramirez had been in actual and continuous possession of the land described in his said grant, from the date of the grant down to the time when the said application was filed before the said surveyor general, within the lines and boundaries described in his said grant. The said surveyor general upon the said application made the following finding: Serafin Ramirez vs. United States. This cause was set for trial on the 10th. day of January 1860, and the witnesses being present were duly sworn and their evidence recorded. On the 12th. day of February 1844 José Serafin Ramirez petitioned Mariano Martinez, the political and military governor of New Mexico, for a tract of land known as the Canon del Agua, situated in what is now the county of Bernalillo, with the boundaries therein set forth. On the 13th. of February of the same year, the grant was confirmed to him by the departmental assembly of the province of New Mexico, and possession given on the 15th. day of February, by Santiago Flores, justice of the peace. The claimant also files with the papers in this case a grant made to his great grandfather, and of which himself and brothers are declared by the departmental assembly in the same decree granting the land to him, to be the proper and legal heirs thereto, but as no authority is vested in this office to adjudicate upon claims to mines within the Territory, no action has been had in this office in the premises. The grant to the land situated at the Canon del Agua, is made according to the laws in existence at the time it was made, and has been proven to have been in quiet and undisturbed possession of the applicant from that date up to the present time, and is fully covered by the treaty of Guadalupe Hidalgo of 1848. It is therefore approved and respectfully transmitted for the action of Congress on the premises. Surveyor General's office Santa Fé, New Mexico, January 20th. 1860. William Pelham Surveyor General.

The application of the said Ramirez together with the action of the said surveyor general thereon, was on the 20th. day of January 1860, certified by the said surveyor general and transmitted to the department at Washington for the action of Congress thereon. The said claim was, through the department of the Interior, duly presented to Congress, together with the action of the said surveyor general, and on the 12th day of June 1866. the Congress of the United States approved the action of the surveyor general in

the premises, and confirmed said grant as number 70. The said act read as follows: "An act to confirm the title of José Serafin Ramirez to certain lands in New Mexico."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant of José Serafin Ramirez of the Canon del Agua as approved by the surveyor general of New Mexico, January 22th, 1860, and designated as number 70; in the transcript of private land claims in New Mexico, transmitted to congress by the Secretary of the Interior January 11th, 1861, is hereby confirmed, providing however, that this confirmation shall only be construed as a relinquishment on the part of the United States, and shall not effect the adverse right of any person whomsoever.

On the 1st day of July 1875, a patent was duly issued for said land, conveying to said Serafin Ramirez certain lands described therein, intended to be the same lands as originally granted to said Ramirez by the mexican government in the grant hereinbefore set out. The said patent recited therein the action of the surveyor general with his recommendations, also the act of Congress, and the said patent in these recitals expressly declared that no authority whatever was vested in the Interior department to adjudicate upon claims to mines within the Territory of New Mexico, and that no action had been taken by that department with respect to any mines on the tract of land described in the patent.

Patent From the United States to Ramirez.

Department of the Interior, General Land office. Washington D. C. July 7. 1875.

I. S. S. Burdett, Commissioner of the General Land Office, do hereby certify that the annexed, on pages one to eight inclusive, is a true and literal exemplification of the patent for the Ranchos Canon del Agua, in New Mexico, confirmed to José Serafin Ramirez, as the said patent appears of record in the records of plats of survey and on pages 93 to 100 inclusive, volume 16. record of patents in this office. In testimony whereof, I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington on the day and year above written.

[Seal] S. S. Burdett Commissioner of General Land Office.

The United States of America to all whom these presents shall come, Greeting:

Whereas, under the provisions of the eighth section of the act of Congress, approved on the twenty-second day of July, anno Domini one thousand eight hundred and fifty-four, entitled "An act to establish the offices of Surveyor General of New Mexico, Kansas and Nebraska, to grant donations to actual settlers therein, and for other purposes", the private land claim of José Serafin Ramirez, known by the name of Canon del Agua, and situated in the Territory of New Mexico, was recommended for confirmation by the United States Surveyor General for New Mexico, in his report dated the 20th day of January anno Domini one thousand eight hundred and sixty, and transmitted for the action of Congress, which reports in the words and figures as follows, to wit: "José Serafin Ramirez vs. United States.

"This case was set for trial on the 20th day of January, 1860, and the witnesses being present, were duly sworn and their evidence recorded.

"on the 12th day of February, 1845, José Serafin Ramirez petitioned Mariano Martinez, the political and military governor of New Mexico, for a tract of

land at the place known as the Canon del Agua, situated on what is now the County of Bernalillo, with the boundaries therein set forth. On the 13th of February of the same year the grant was confirmed to him by the Departmental Assembly of the province of New Mexico, and possession given on the 15th of February by Santiago Flores, justice of the peace. The claimant also files with the papers in this grant a grant made to his great-grandfather, and of which himself and brothers are declared by the Departmental Assembly, in the same decree granting the land to them, to be the legal and proper heirs thereto; but as no authority is vested in this office to adjudicate upon claims to mines within the Territory, no action has been had by this office in the premises. The grant to the land situate at the Canon del Agua is made according to the laws in existence at the time it was made, and is proven to have been in the quiet and undisturbed possession of the applicant from that date up to the present time, and is fully covered by the treaty of Guadalupe Hidalgo of 1848. It is therefore approved and respectfully transmitted for the action of Congress in the premises. Wm. Pelham, Surveyor-General.

"Surveyor-General's office, Santa Fé New Mexico, January 20. 1860."

And whereas it further appears that said private land claim was subsequently confirmed as number seventy by the act of Congress, approved June twelfth, eighteen hundred and sixty-six entitled "An act to confirm the title of José Serafin Ramirez to certain lands in New Mexico," which said act of Congress is in words as follows to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant to José Serafin Ramirez, of the Canon del Agua, as approved by the Surveyor-General of New Mexico, January twenty, eighteen hundred and sixty, and designated as number seventy in the transcript of private land claims in New Mexico, transmitted to Congress by the Secretary of the Interior January eleven, eighteen hundred and sixty-one, is hereby confirmed: Provided, however, That this confirmation shall only be construed as a relinquishment on the part of the United States, and shall not affect the adverse rights of any persons whomsoever."

And whereas there has been deposited in the General Land office a return with the descriptive notes and plat of the survey of the said claim, confirmed as aforesaid, authenticated by the signature of the United States Surveyor-General for the Territory of New Mexico, which descriptive notes and plat of survey are in words and figures as follows, to wit:

"Beginning at a point in the road from the Placer de Puerto to Palo Amarillo, on the established boundary of the San Pedro Grant (claim No. 14, confirmed to Serafin Ramirez,) twenty-seven chains and seventy links east of the twenty pitted rock corner on the north boundary line of said San Pedro Grant, at which point set a quartz stone 22 x 13 x 8 inches, marked "C. del A. 1. 64" on north face, from which a piñon 8 inches diameter bears S. 64° E. 79 links, and a piñon 6 inches diameter bears N. 5° W. 143 links distant. Thence north forty eight degrees east along road from Placer del Puerto to Palo Amarillo. At ten chains set a limestone 25 x 11 x 7 inches, marked "1" on west face, from which a piñon 6 inches diameter bears S. 36° W. 30 links, and a piñon 10 inches diameter bears N. 27° W. 31 links distant. Thence north eighty-six and one half degrees east along said road. At eight chains set a granite stone 20 x 12 x 4 inches, marked "2" on west face, from which a piñon 10 inches diameter bears N. 28° E. 110 links, and a cedar 7 inches diameter bears S. 35° E. 49 links distant. Thence north sixty-five degrees and thirty minutes east along said road. At fourteen chains set a limestone 24 x 10 x 8 inches marked "3" on west face, from which a Cedar 18

inches diameter bears S. 1° E. 17 links, and a pinon 6 inches diameter bears S. 10° W. 174 links distant. Thence north fifty-eight degrees east along said road. At eleven chains set a granite stone 20×10×3 inches, marked "T" on west face, from which a pinon 7 inches diameter bears S. 4° E. 91 links, and a pinon 9 inches diameter bears S. 17° W. 382 links distant. Thence north fifty-five degrees east along said road. At twenty seven chains set a granite stone 21×11×4 inches, marked "T" on west face, from which a pinon 10 inches diameter bears S. 85° E. 96 links, and a pinon 9 inches diameter bears N. 43° W. 172 links distant. Thence north twenty seven and a half degrees east along said road. At ten chains set a granite stone 21×15×4 inches, marked "T M" (for ore mule from placers beginning) from which a pinon 10 inches diameter bears S. 46° E. 288 links, and a pinon 9 inches diameter bears N. 68° W. 156 links distant. At thirty two chains set a granite stone 20×13×3 inches, marked "T" on west face, from which a pinon 7 inches diameter bears S. 87° E. 190 links, and a pinon 5 inches diameter bears N. 28° W. 328 links distant. Thence north six degrees east along said road. At ten chains set a granite stone 39×19×8 inches, marked "T" on west face, from which a pinon 5 inches diameter bear N. 85° E. 113 links, and a pinon 5 inches diameter bears S. 61° W. 72 links distant. Thence north two degrees and forty-five minutes west along said road. At eighteen chains a house fifty links west of line; at twenty-six chains and eighty links northwest corner of mill; at twenty nine chains and eight links terminus of road in Placer del Muerto, where set a granite stone 21×12×6 inches marked on west face "T," from which southeast corner of house belonging to Jose Serafin Ramirez bear N. 36¾° W. 27 links distant, and made a trench six feet square, sides to cardinal points. Thence south sixty-six degrees east in the direction of the highest summit of the Sierrita del Muerto. At ninety two links arroyo bears north and south; at three chains and sixty-seven links house in Placer del Muerto; at three chains and ninety two links over house; at seven chains and two links southwest corner of church in Placer del Muerto, and bear towns; at eighteen chains and ninety-two links set a granite stone 20×14×4 inches, marked "2 M" on west face, from which a pinon six inches diameter bear S. 75° E. 123 links, and a pinon 5 inches diameter bears S. 40° W. 126 links distant; variation 13° 30' east. At twenty-three chains and ninety-two links a road bears northeast and southwest. At fifty-seven chains and ninety-two links placer mines bear northeast and south east. At fifty-nine chains and ninety-two links arroyo bears north and south. At one mile sixteen chains and ninety two links arroyo bears north and south. At one mile eighteen chains and ninety two links set a granite stone 22×12×4 inches, marked "3 M," from which a pinon 5 inches diameter bear N. 40° E. 33 links, and a pinon 5 inches diameter bear N. 75° W. 21 links distant. At one mile twenty nine chains ninety two links bear pinon, timber bears N. W. & S. E. At one mile forty four chains and ninety two links placer diggings at foot of mountain bears N. W. & S. E. At one mile fifty nine chains and ninety two links arroyo bears east and west. At one mile sixty eight chains and ninety two links top of hill bears east and west. At one mile seventy seven chains and ninety two links, arroyo bears northeast and southwest. At two miles fifteen chains and ninety two links top of hill. At two miles eighteen chains and ninety two links set a granite stone 22×11×3 inches, marked "4 M" from which a pinon 6 inches diameter bear N. 46° W. 8 links, and a pinon six inches diameter bear N. 14° E. 23 links distant. At two miles twenty one chains and ninety two links arroyo bears east and west. At two

25th Day Monday January 30th A. D. 1888

miles twenty-six chains and ninety two links arroyo bears northeast and southwest. At two miles thirty three chains and ninety two links top of hill. At two miles forty-seven chains and ninety two links arroyo bears northeast and southeast and foot of hill. At two miles fifty chains and ninety two links top of hill. At two miles fifty eight chains and ninety two links foot of hill and arroyo bears nearly east and west, ascend Sierrita del Sueste. At three miles sixteen chains and seventy four links summit or highest point of Sierrita del Sueste, where set a granite stone 26x19x3 inches marked "C. del S. C." in mound of stones. This corner is one mile and thirty two chains west of a point on the line between ranges seven and eight east, Township twelve north, which point is two miles thirty-eight chains and fifty links north of the corner to Townships eleven and twelve north of the base-line ranges seven and eight east of the principal meridian. Thence south forty eight degrees and forty five minutes west; variation 15°54' east. At two chains and eighteen links set a granite stone 22x17x3 inches marked "S M:" in a mound of stones. At fifty-five chains and ninety three links foot of mountain and arroyo bears north and south. At fifty nine chains and eighteen links top of mountain bears northwest and southeast. At one mile two chains and eighteen links set a slate stone 24x12x3 inches in mound of stones marked "6 M:" At one mile seven chains and eighteen links foot of mountain, placer diggings along arroyo bear north and south. At two miles two chains and eighteen links set a granite stone 26x11x4 inches marked "7 M:" from which a piñon eleven inches diameter bears S. 13° E. 73 links, and a pine twenty inches diameter bears N. 16½° W. 198 links distant. At three miles two chains and eighteen links set a granite stone 20x10x4 inches marked "8 M:" from which a piñon six inches diameter bears N. 82½° E. 19 links, and a piñon 8 inches diameter bears N. 57° W. 28 links distant. At three miles eighteen chains and eighteen links ascend hill. At three miles forty three chains and eighteen links top of hill. At three miles fifty one chains and thirty one links intersect east boundary line of San Pedro Grant and survey eleven chains and seventeen links north of twenty-second mile corner on said line and survey, where set a limestone 26x13x6 inches marked "C del A. C.;" from which a piñon 8 inches diameter bears N. 35° W. 84 links, and a piñon 12 inches diameter bears S. 8° E. 89 links distant. Thence north along the east boundary of San Pedro Grant and survey. At forty eight chains and eighty three links twenty three mile corner on said boundary line. At one mile forty eight chains and eighty three links twenty four mile corner on said boundary line. At two miles thirty three chains and forty seven links the northeast corner of San Pedro Grant and survey. Thence west along the north boundary of San Pedro Grant and survey. At thirty four chains and thirty six links twenty five mile corner on said boundary line. At one mile seven chains and forty six links reached the place of beginning. Containing three thousand five hundred and one acres and twenty-one hundredths of an acre."

In witness whereof, I have hereunto signed my name, there being no official seal provided by law, at the city of Santa Fe, New Mexico, this 9th day of January 1867.

"John A. Clark, Surveyor General of New Mexico."

Now Know Ye, That the United States of America, in consideration of the premises, and in pursuance to the second section of an act of Congress, approved the third day of March anno Domini eighteen hundred and sixty nine, entitled "An act to confirm certain private land claims in the Territory of New Mexico," have given and granted, and by these presents do give and grant, unto the said Jose Serafin Ramirez, and to his heirs, the tract of land embraced and described in the foregoing survey; but with the stipulation that in virtue of the provisions of the aforesaid act of Congress, approved June twelfth, anno Domini eighteen hundred and sixty six, the confirmation of this said claim and this patent "shall only be construed as a relinquishment on the part of the United States, and shall not affect the adverse rights of any person whomsoever."

To have and to hold the said tract, with the appurtenances, unto the said Jose Serafin Ramirez, and to his heirs and assigns forever, with the stipulation aforesaid.

In testimony whereof, I, Ulysses S. Grant, President of the United States, have caused these letters to be made patent, and the seal of the General Land office to be hereunto affixed.

Given under my hand at the City of Washington, this first day of July, in the year of our Lord one thousand eight hundred and seventy five, and of the independence of the United States the ninety ninth.

[L. S.] By the President. U. S. Grant.

By S. D. Williamson Secretary. J. R. Lippincott, Recorder of the General Land Office.

The defendant claimed title to the tract of land in controversy and to the big cañada, and to the mineral lying east of the Cañon del Agua spring, under and by virtue of the various grants, the action of the surveyor general, the act of confirmation, and the patent hereinbefore set out, and mesne conveyances based upon the said patent. In march 1866, while said claim was pending before Congress of the United States for confirmation, and before any action thereon, Jose Serafin Ramirez, John A. Clark, then surveyor-general for the Territory of New Mexico, Daniel J. Miller, his chief clerk and translator, Messrs. Carey, Cooley, Kitchen and Hoffman, entered into a fraudulent conspiracy and agreement to invert the boundaries of said land, as granted to said Jose Serafin Ramirez, and as described in the grant to him from the Mexican government and as actually occupied by him up to the date of the confirmation of said grant, The cañada was located West of the Cañon del Agua spring, and the north line of said grant was at least one and a half miles south of the Plaza of Real de Santa Francisco; The lands to the east and north east of the Cañon del Agua spring were well known and valuable mineral lands which had been worked and occupied continuously for mining purposes from a period long anterior to 1842. By inverting the lines of said grant and changing the location of the cañada so as to place the same east of the Cañon del Agua spring, its value would thereby be greatly enhanced, and there would be included within its exterior lines valuable mines of the precious metals, gold, silver and copper. Desiring to so enhance the value of the lands, and to obtain possession and control of said mines by means of a change in the boundaries of said grant, the said persons colluded and conspired together to effectuate that object, and to

and they falsely pretended that there was a conflict between the points named as natural objects in the description of said grant, and the courses and distances therein named; and falsely pretended to believe that the Sierra Nuevo Mountains were located to the east of the Canon del Agua spring instead of to the west. To carry out the purposes of said conspiracy, and to procure a change in the exterior lines of said grant so as to include the said valuable mines, the said Ramirez, and the said other parties, procured ex parte affidavits to be taken to support said claim. Said Cooley, Carey and others, about that time had purchased an interest of said Ramirez in said grant, for about the sum of thirty thousand dollars, and had established a mining Company, and made Ramirez President thereof, and the said conspiracy contemplated the fraudulent extension of said lines so as to include said mines, for the purposes of taking out valuable deposits of gold and silver and copper from under the surface of the earth east of the Canon del Agua spring. The said Ramirez, Cooley, Carey and others visited the ground, inspected the lines, examined the mines and well knew by personal inspection just where the said lines were located before any action whatever by Congress upon the application of Ramirez for confirmation. They had full knowledge of all the facts and circumstances upon which Ramirez subsequently predicated his claim for the location of the land east of the Canon del Agua spring, before any action of Congress was had respecting said confirmation, and had full opportunity to place all said facts before the Committee on private land claims, and before Congress, and to have asked confirmation by Congress by the boundaries which they now pretend to claim to be the correct ones; but having all such information they remained silent and did not place before the said Committee or the Commissioner of the General Land office, or any officer of the Interior Department, except the said surveyor general who was acting collusively with them, to falsely invent and extend the boundaries of said grant, any claim of mistake in the original grant description, or of any conflict between the natural objects and the calls and directions in the grant description. The said Ramirez and his said confederates with such knowledge procured the favorable action of Congress, and procured said grant to be confirmed as approved by surveyor general Pelham, and by the description contained in the original grant from Mexico to Ramirez, and as stated in Ramirez's application for confirmation, filed before the surveyor general. The said Ramirez and his said confederates, then and always afterwards well knew that the land really granted to Ramirez was west of the Canon del Agua spring, and that a line due north and south through said spring constituted the eastern boundary line of the lands granted Ramirez by the Mexican government and described in his grant and actually occupied by him. The said Cooley and Carey were the active movers and instigators of said fraudulent conspiracy, but Ramirez and Miller and Clark knowingly and with fraudulent purposes acted with them to promote said enterprise. To carry out and make effectual the purposes of said conspiracy the said John A. Clark being then surveyor general of New Mexico, on the 9th day of August 1866, caused and procured the land described in said grant to Ramirez to be so surveyed as to extend the same wrongfully, east of the Canon del Agua spring and so as to include a considerable part of the town of Real de San Francisco and a large strip of land immediately south

thereof, within the boundaries of said survey, well Knowing that the land lying east of said spring and the lands from said town for at least a mile and a half south thereof, should not be included in said survey, and well Knowing that the same were not granted to the said José Serafin Ramirez but were being fraudulently and falsely claimed by him for the purpose of including in said grant lands not properly belonging thereto, and embracing thereon mineral tracts well Known and of large values. The said Ramirez, Corley, Loney, Miller and their Co-Conspirators to further carry out and make effectual said fraudulent conspiracy, procured and had ex parte affidavits placed upon file in the surveyor general's office which did not correctly and truly represent the land marks named in said grant, for the purpose of using the same to endorse an approval of said survey, and to procure the issuing of a patent describing thereon the lands east of the spring and up to and including a part of the town of San Francisco, so as to claim under said patent titles to such lands. The said Clark after fraudulently extending the survey in the manner above stated, reported the survey thus made as being correct, well Knowing the same was not so, and asked the favorable action of the Interior Department thereon. On September 1874. S. S. Burdett, then Commissioner of the General Land office, notified the surveyor General of New Mexico that he could not approve of the said survey, and in his communication to the surveyor general of New Mexico gave the following reasons therefor. "The only evidence on file in this office as to the location of these boundaries on the earth's surface is found on the plats of survey of the Cañon del Agua and San Pedro grants, and as thus indicated, the present survey of the rancho Cañon del Agua in no manner conforms with the calls for such boundaries contained in the original title papers, except as to the northern boundary or road leading from Palo Amarillo," and with respect to that boundary, it is not clear that the Cañon del Agua extended further north than the northern boundary of the tract claimed to be within the limits of the Ortiz mine grant. The Cañon del Agua as surveyed extends between two and three miles south of the northern boundary of the San Pedro grant as surveyed, whereas the said northern boundary of the San Pedro grant is the northern boundary of the Cañon del Agua according to the original title papers in the case last named. The spring of the Cañon del Agua in the survey of the ranch of that name is also south of the northern boundary of San Pedro as surveyed and a western boundary of the rancho Cañon del Agua, whereas according to the title papers of the last named rancho, that spring is the eastern boundary of the Cañon del Agua. The highest point of the Little Mountain of Sweets, as shown on the plat of Cañon del Agua is east of the spring of the Cañon del Agua and the eastern boundary of the claim, when according to the original title papers it should be west of the said spring and the western boundary of said ranchs. In view of these manifest differences between the calls for boundaries contained in the original title papers in this case, and their location by United States deputy surveyor Griffin. I do not deem it advisable to take further action upon the survey until the parties in interest shall have had an opportunity to show by testimony the exact location of said boundaries and such other facts relative to the extent of claim of said boundaries and such other facts relative to the extent of the place known as "Cañon del Agua", as will enable the office either to approve the survey of that rancho as now made or to locate such

manner as to do justice to the claimants and the United States. You will therefore notify the claimants that in its present condition and with the evidence now before this office, this office cannot approve the before mentioned survey of Barrios del Agua Rancho. If however, the claimants or any other interested party will deposit with you sufficient money to pay the expenses of an investigation as to such boundaries, you are hereby authorized to publish for four weeks, in some newspaper of general circulation near the vicinity of the land, a notice calling upon all parties in interest to produce within sixty days from the expiration of said publication such exhibits or testimony relative to said boundaries, as they may desire to submit, in the event of such deposit of money you will transmit to this office all exhibits and testimony received in response to such to such notice, and also your report thereon." The said grant claimants refused to instead of giving the notice required, and thereby enabling persons having adverse interests to furnish evidence respecting said fraudulent extension, and to show that the said survey was wrong and fraudulent, declined to do so but instead procured to be forwarded to Burdett for his consideration as Commissioner of the General Land office, the ex parte affidavits which had been taken by Ramirez, Cooley and their co-conspirators. The said ex parte affidavits so forwarded are those which before that time had been procured by the grant claimants themselves, for the very purpose of enabling them to make the said fraudulent extension to the east of the spring, and had been procured by them well Knowing that an honest survey of said land would place the same west of the spring; and intending to use the same to maintain such survey. The said S. S. Burdett, as Commissioner of the General Land office being thus imposed upon by such ex parte affidavits so procured by the grant claimants themselves, and not Knowing the circumstances under which the same were taken, and the corrupt influences which had brought them into existence, but believing the same to be true, was induced thereby under a mistake and apprehension of the facts to approve the said survey so made. The said survey so made and so carried into said patent is false and wrongful, and it was procured by the said grant claimants with Knowledge of its falsity, and was imposed by them upon the Commissioner of the General Land office for the purpose of wrongfully including within the limits of the land to be conveyed to them by patent, valuable and well known mineral tracts, never granted by the Mexican government to said Ramirez; all of which said Ramirez and his said confederates well Knew, and they received and accepted said patent well Knowing that the lands described therein were never granted to the said Ramirez by the Mexican government, and well Knowing that by means of their fraudulent extension in the survey, that they had changed its location and added largely to its value. In point of fact there is no incompatibility between the courses and distances and land marks described in the grant as originally made to Ramirez, but the land marks as therein described, substantially as therein stated, can be found at the places in said grant description named and at the places designated, in the original instrument from the

Mexican government upon the surface of the earth. The said land can be surveyed and marked out on the surface of the earth west of the Canon del Agua spring, so as to make a line drawn through said spring north and south, the eastern boundary line of said grant, by following the land marks courses and distances as stated in the description in the original grant. The incompatibility which was alleged by the surveyor general Clark to exist, as the basis for the extension east of the spring, did not in fact exist; all of which facts the said Clark and Miller and Ramirez, Cooley and Carey at all times well knew. The San Pedro and Canon del Agua Company, the present defendants, was organized on the 28th day of January 1880. George William Ballou was made its president. on the 20th of February 1880, after the organization of said Company, George William Ballou, the then president of said company, and others, who were stockholders of the Company, visited New Mexico, and visited also the land described in the bill of complaint and spent several days inspecting the mines, the lines and boundaries of said Canon del Agua grant. They were at the town of the Real de San Francisco and saw that it was a town of many inhabitants. They saw that there were many mines east of the Canon del Agua spring occupied by persons by persons claiming to own the same. They made a thorough inspection and examination of the property, of its quality and extent, and conversed with the miners upon the land, and examined the patent. The president of the Company was at that time visited upon by miners and informed by them that they were in actual occupancy of valuable mining property within the said extension east of the Canon del Agua spring, and that they owned the same, and were working the same; claiming to do so under the mining laws of the United States, and claiming that the same was a part of the public domain, and that they had a right, as miners, under the mining laws of the United States to such property; and some of said miners were informed by the president of said Company that if he bought the land and grant that their rights would be respected. At the time said Ballou as such president was on the said grant, the Company had contracted for the said grant, but had not made full payment of the purchase money, and had not received conveyances therefor. That the president of the Company at that time had full opportunity to see and to know by conversing with the miners and inhabitants of the town, that the said grant embraced within the lines as described in the patent, a mining camp that was well known and which had been in existence for more than forty years, and had full opportunity to know that the lines of the grant as contained in said patent included a considerable part of the town of San Francisco, and including its chapel for public worship; that he had a full opportunity to see, and he did see that a very large proportion of the said grant as surveyed, and described in

the patent, was to the east of the Canon del Agua spring, and that to know as described in the original grant to Ramirez it was west of the spring; he had full opportunity to know that while the petition of Ramirez for the grant described its location as being at least a mile and a half south of the town of San Francisco, that as contained in the patent it included a part of the town. At that time the petition of Ramirez to the Mexican government, the action of the political department thereon, the description therein contained, the petition before surveyor general Pelham compiled by Ramirez, his action thereon, were all matters of record in the office of the surveyor general, and accessible for examination and investigation. The trip of the said Ballou as president of the said company was made for the purposes of examining the land and its titles, for the purposes of personal inspection before making final payment of the purchase money, and receiving a conveyance of the legal title to the lands described in the patent. With the knowledge, notice and information and the means of knowledge aforesaid, the said Ballou returned and completed the negotiations for the purchase of the said grant and received conveyances therefor. The said defendant through its said company had notice in fact by the means aforesaid of the adverse claim to said grant, and in addition thereto information sufficient to put it on inquiry as to the fraud alleged in the bill of complaint. The following facts are also established bearing upon the question of notice to the defendant. Prior to the visit of Ballou as president, and Grafton as attorney, for the defendant, to the grant, for the purpose of investigation as before set out, Grafton and Welch, who afterwards became large stockholders in the defendant company, were informed by Mariano S. Otero, then a delegate in Congress from New Mexico, that he claimed to own the big copper mine. Welch and Grafton were then contemplating the purchase of the grant, and had called upon Otero at his rooms in Washington to enquire about the title thereto, and the extent of the grant. In response to their inquiry, Otero told them that the grant as to the greater part thereof, was a fraud, that people were living thereon, occupying parts of the grant, and claiming the same to be a fraud. He further told them that himself and others, owned the big copper mine and intended to bring suit to recover the same. At a later time Otero gave to Welch the title papers by which he claimed the big copper mine, and Welch took them to a lawyer and had the same examined. This conversation was before the organization of company. Welch resided at Santa Fe, and both Grafton and himself often before the organization of the company had been over the grant, had frequently inspected the mines thereon, and Welch had worked upon the big copper mine. And both of them well knew that miners were

upon the said grant east of the Cañon del Agua spring, mining, and claiming that the survey now complained of was fraudulent. Ballou, Weldon and Grafton owned two hundred and fifty thousand shares, out of a total of four hundred and fifty thousand shares held by other holders, and all of said other holders, except Thomas N. Ewing, who lived in Lancaster Ohio, holding one hundred shares, and Edwin G. Wiley, of Greenfield Massachusetts, holding one hundred thousand shares, lived at Boston Massachusetts. Ramirez filed before the surveyor general Pelham, two claims, one for lands under an agricultural grant, under the colonization laws of Mexico, claiming the same to have been granted to him personally; the other a claim for a mine alleged by him to have been granted to his grandfather Moradillos, by the Mexican government under the mining ordinances of that country. The surveyor general recommended to Congress the confirmation of the grant for agricultural lands only; the surveyor general did not examine into the validity of the alleged grant to the mine. He did not hear proof of, or examine into the question of the paternity of the said José Serafin Ramirez, nor take nor hear proof as to whether the said Ramirez was or was not the great grandson of the said Moradillos, or whether the said Ramirez was or was not in possession of said mine, or had any rightful claim thereto; but the said surveyor general expressly denied his jurisdiction to consider any claim to mines, and in terms in his decision declined to take any cognizance of the mining claim, and so reported through the general land office to the Congress of the United States; and the Congress of the United States in making confirmation by the act hereinbefore set out, did so in view of the recommendation of the said surveyor general, and did not intend by said confirmatory act to confirm to the said Ramirez, or to grant to him, any right, title or interest to the said mine, or to the precious metals within the lands of said grant, but only to recognize and confirm his agricultural grant as held by him under the colonization laws of Mexico. Ramirez in his application before the surveyor general made no claim to any other mine specifically, and only intended to ask confirmation of the legal right which he held under his grant from the Mexican government, and did not intend to ask confirmation of any higher or greater estate therein. Ramirez never asked of the government of the United States for any original grant. He never asked that there should be conveyed to him any other mine except the one involved in his claim through his alleged grandfather. At the commencement of this proceeding the defendant was in the possession of all the land embraced within the boundary lines of said patent. Was in possession of the big copper mine located within the boundaries described in said patent east of the Cañon del Agua spring, and was claiming the right to mine and work the same, and to appropriate to itself, the ores and

precius minerals within the same, being copper and gold, under and by virtue of the said grant to Ramirez only.

Outside of the boundary line of the said Laricon del Agua grant as granted to said Ramirez by the government of Mexico, there was at the time when the supplemental bill in this cause was filed, a mining property of great value known as the big copper mine, yielding valuable quantities of both copper and gold. There was also numerous other mines of the precious metals east of the Laricon del Agua spring. These mines were and are upon a part of the public domain of the United States, but within the lines of the said grant as fraudulently extended by Ramirez and his confederates aforesaid. The defendant as shown by its answer to the supplemental bill at the time of filing the same, actually occupied and possessed said big copper mine, and was extracting ore therefrom claiming the legal right to do so as against the United States, and was also in the possession of the land upon which said other mines were situated, and also claiming the right to the same. The defendant was not so in possession under the mineral laws of the United States as a locator, or claiming under or through any locator by virtue of such mining laws, but was in possession under and by means of the said fraudulent survey and was claiming under the agricultural patent to Ramirez, the action of the surveyor general thereon, the confirmation by Congress, the survey and patent thereunder, the lawful right to hold said mines and extract therefrom the precious metals for its own use to the exclusion of the United States therefrom, and in defiance of the mineral laws of the United States, predicating such claim upon mesne conveyances from parties holding under and by virtue of said patent. The said mines so held and claimed by the defendant are those to which reference is made by the following allegations contained in the complainants supplemental bill of complaint to wit: "Said defendant is now in possession of many mines, leads, lodes and veins of mineral belonging to the United States and situated upon the said tract of land, the property of the United States; the said mines, leads, lodes and veins, are very rich and valuable for gold, silver, copper and other valuable mineral ores; the said defendant claims said land with its mines, leads, lodes and veins of mineral bearing rock, and mineral deposits as your orator is informed and believes, by and under the said patent of the United States, thus fraudulently obtained, and by no other title; that said defendant is mining digging and removing from said mines, rich and valuable mineral bearing quartz, gold, silver, copper and other valuable ores, and are milling and smelting said ores, and disposing of the same for the use and benefit of said defendant, and are doing great and irreparable injury to said lands

and mines, by removing the valuable minerals therefrom, and so making them worthless and valueless to the United States."

The possession of the said mine by the defendant, as aforesaid, and the manner in which the same is being worked and carried on, is such as to prevent other mining prospectors from locating thereon, or making any claim, or acquiring any title thereto by location and development under the mining laws of the United States; and if permitted to continue would enable the defendant under claim of legal right which does not exist, to continuously extract therefrom large quantities of valuable precious metals and thus greatly lessen the value of said property and to hinder and delay the development thereof, and to prevent location thereon, and development under the mining laws of the United States. The claim of said defendant constitutes a cloud upon the title to the said mines and upon the right of the United States, to open the same to be prospected located and developed as mineral land and deprives it of the revenue which would otherwise accrue to it from such settlement and development.

The foregoing, are now made and stated as the facts proven and established by the evidence in this cause; and it is ordered that the same be entered in full and certified as a part of the record.

And now comes the said defendant by its solicitors, and files a motion herein requesting the court to include in the statement of facts to be certified to the supreme court of the United States, all of the testimony of John B. Treadwell, and the exhibits filed therewith, together with the objections made by said defendant to the admission in evidence of said testimony and exhibits in the court below, and especially the motions made by said defendant to strike out and suppress said testimony and exhibits, and the ruling of this court upon said testimony and exhibits that the same were properly received and considered in evidence in the court below, and that they were considered by this court as properly in evidence; and the court being now sufficiently advised in the premises overrules said motion and refuses to include the matters and things set forth therein as a part of the statement of facts framed and certified by this court.

It is ordered that court do now stand adjourned until the next regular term commencing on the first Monday of January A. D. 1889.

Record signed this 30th day of January A. D. 1888.

Elisha W Long Chief Justice
R. A. Reeves. Associate Justice
W. F. Burnes Associate Justice.
W. X. Henderson Associate Justice.

- a page 550 where record is signed-

25th Day Monday January 30th A. D. 1888.

2-47 United States of America vs The San Pedro & Canon del Agua Company } Appeal from First District
defendant and appellee

And said defendant now files its petition herein requesting the court to correct and make certain amendments to the statement of facts made and certified by the court and entered of record in this cause, which amendments are set forth in said petition, now on file, and the court being duly advised in the premises denies the prayers of said petition, and refuses to make the corrections and amendments as therein asked and prayed for.

2-47 United States of America vs. The San Pedro & Canon del Agua Company } Appeal from First District

And said defendant now comes and files the affidavit of Frank H. Clancy showing that the matter in controversy in this cause exceeds the sum of five thousand dollars.

2-47 United States of America vs. The San Pedro and Canon del Agua Company } Appeal from First District

And said defendant and appellee now comes and moves the court to grant it an appeal from the decision and decree of this court to the Supreme Court of the United States, and to fix the amount of bond to be given to stay the execution of such decision and decree until the decision of said Supreme Court of the United States can be had in the premises, and for a temporary stay of execution for thirty days to give time and opportunity for the preperation and filing of such bond, and after hearing counsel as well for complainant and appellant as for defendant and appellee, the court being sufficiently advised in the premises, grants said motion. It is therefore ordered by the court that said defendant and appellee, The San Pedro and Canon del Agua Company, be and it hereby is granted an appeal from the decision and decree of this court in this cause, to the Supreme court of the United States; and it is further ordered that the amount of bond aforesaid, be fixed at the sum of five thousand dollars; and it is further ordered the execution of the decision and decree aforesaid and the same hereby is stayed for the period of thirty days within which time defendant and appellee shall prepare and file a bond in the usual form of a supersedeas bond, in the sum of five thousand dollars with good and sufficient sureties to be approved by the clerk of this court; and in case such bond is given within the time aforesaid, it is further ordered that the execution of said decision and decree be stayed until the decision of the Supreme court of the United States can be had in the premises.

350. John Gerald Potter, Plaintiff in Error
v.
The Rio Arriba Land and Cattle Company Limited and Valentine Walbrau Chapman, Defendants in Error

Error to the 1st District Court, Rio Arriba County, Chancery

This cause having been argued and submitted to the court at a former day of the present term and by the court taken under advisement, and the court now being sufficiently advised in the premises, announces its decision reversing the decree and judgment rendered by the district court for the first judicial district, within and for the County of Rio Arriba, the opinion of the court being delivered by Henderson associate justice, Chief justice Long and associate justice Brinker concurring thereon, associate justice Reeves having presided on the trial of the cause in the district court, and not sitting on the hearing in this court.

It is therefore ordered adjudged and decreed by the court, that for and on account of the reasons set forth in the opinion on file in this cause, the decree and judgment rendered in this cause by the district court for the first judicial district sitting within and for the county of Rio Arriba, from whence this cause came into this court, be and the same hereby is in all things reversed, set aside and held for naught. And the court doth further order, adjudge and decree that by virtue of the said contract or agreement mentioned in the bill of complaint in this cause, the said defendant, The Rio Arriba Land and Cattle Company Limited, did, on the said third day of March in the year eighteen hundred and eighty seven, before the approval of the President of the United States of the said Act of Congress, entitled "an Act to restrict the ownership of real estate in the territories to American citizens and persons who have declared their intention to become such citizens" and before the said Act became a law, become fully vested with an equitable estate in fee simple in the said lands and premises, the same being known as The Rio Arriba Ranches, situate in the County of Rio Arriba in Territory of New Mexico and particularly described in the said bill of complaint and at the foot of this decree as well as with an equitable estate in the leasehold particularly described in the said bill of complaint, but subject to the payment of the consideration or purchase money stipulated in the said contract or agreement. And also, that at the same time, by virtue of the same contract or agreement, the said John Gerald Potter became equitably entitled to the said purchase price or consideration thereon mentioned, and that ever since the date of the said contract or agreement, the said John Gerald Potter has been and he still is a trustee of the said premises and of his interest in the said leasehold for the said defendant Company, and for the consideration thereof, to the said defendant company upon

its payment of the said purchase price or consideration. ~~any~~ on. and from since the date of said contract or agreement. the said defendant Company has been ~~any~~ it still is a trustee of the said purchase price or consideration for the said John Gerald Patter. ~~any~~ for the payment thereof to him in manner ~~any~~ form provided in the said contract or agreement upon his performance of his part thereof.

And this Court doth further order. adjudge and decree that the said contract or agreement dated the third day of March in the year eighteen hundred ~~any~~ eighty seven. as the same is set forth fully ~~any~~ at large in the said bill of complaint be specifically performed ~~any~~ carried into execution. ~~any~~ that upon the said complainant, John Gerald Patter's. making. executing. acknowledging ~~any~~ delivering to the said defendant. The Rio Arriba Land ~~any~~ Cattle Company. Limited. according to the said contract or agreement. ~~any~~ the terms. stipulations. conditions ~~any~~ provisions thereof. a proper conveyance of the said real estate ~~any~~ premises known as The Rio Arriba Ranches ~~any~~ the lease. term of years. leasehold. cattle, Horses. plant. farming. implements and personal property mentioned in the said contract or agreement. such conveyance to be settled by the Clerk of this Court. hereby appointed special master. if the parties differ about the same. the said defendant. The Rio Arriba Land ~~any~~ Cattle Company Limited. do issue ~~any~~ deliver unto the said John Gerald Potter ~~any~~ fully vest in him with all proper evidence thereof. twenty thousand fully paid up of its. deferred or ordinary, corporate shares, each of the par value of five pounds English money. ~~any~~ also two thousand fully paid up of its preferred corporate shares each of the par value of five pounds English money.

And this Court doth further order. adjudge and decree that the said defendant. Valentine Halbran Chapman. upon the request of the said defendant Company. do make. execute. acknowledge ~~any~~ deliver thereunto a proper deed confirming unto the said defendant Company the conveyance of the said lease. term of years ~~any~~ leasehold. which shall be made thereunto as aforesaid by the said John Gerald Potter. and releasing ~~any~~ quit claiming unto the said defendant Company all estate. right title. interest or claim of the said Valentine Halbran Chapman of. in or to the said lands ~~any~~ premises. lease. term of years ~~any~~ leasehold: such deed of the said Valentine Halbran Chapman to be set-

lted by the said Master if the parties differ about the same. And this Court doth further order, adjudge and decree that in such conveyance so to be made by the said John Gerald Potter as aforesaid, proper covenants for, series as well on the part of the said John Gerald Potter as of the said defendant Company, in accordance with the terms, stipulations, conditions and provisions of the said Contract or agreement.

And any of the said parties shall be at liberity to apply to this Court, or to the said District Court, as occasion shall require, on the foot of this decree. The said lands and premises known as the Rio Arriba Ranches are described as follows, to wit:

Commencing at a point on the north boundary of the tract of land or land grant known as the San Joaquin del Rio de Chama Grant, which is thirty four (34) chains west from the mouth of the Rito Ceballa where it empties into the Ceballa River, at the crossing of the Tierra Amarilla and El Rito road, thence southerly along the centre of said road to the Ceballa River, thence down the Ceballa River to a point which is one hundred (100) chains due west of the east boundary of the grant, and is the most westerly north west corner of lands set off to Francisco Salazar, et al, (No. 17); thence south to the south west corner of lands set off to said Salazar, et al; thence east one hundred (100) chains to the east boundary of the grant; thence south along the east boundary of the grant seven hundred and four chains fifty links (704.50 chs.) more or less to a point which is twenty eight (28) chains north from a sand stone monument on the east line of the grant 8 x 4 x 24 inches marked S T M. on south side, from which a pine eighteen inches in diameter bears S. 55. E. forty six links (46), a pine thirteen inches diameter bears S. 65. W. sixteen (16) links, being the north west corner of land set off to U. D. Burns (No. 13); thence west about one hundred, (100) chains to the centre of the Tierra Amarilla and Abiquiu road, thence southwesterly down the centre of the said road, about three hundred, and Six chains (306) to the foot of the Canyon and trail leading up its the dep of the mesa S. to Virgi. thence northwesterly up said trail to the east

[illegible] edge of said Ybloon [illegible] the edge of said Ybloon to a point four hundred (400) Chains due west from the west boundary of the grant; thence due south eight (8) Chains more or less to the west boundary of the grant; thence east along said Chains more or less to the center of the Chino River; thence down the center of said river to the boundary line between Private Land Claim No. 71 and No. 73; thence southwesterly along the eastern boundary of the grant to the south east corner of the grant; thence west along the south boundary to the south west corner of the same; thence northerly along the west boundary to the southwest corner of the land set off to José Maria C. and Francisco C. Chaves (No. 12); thence east to the west boundary of the land set off to Miguel Olivas (No 16); thence south one hundred and sixty one (161) Chains to the south west corner of lands set off to Maria Manuela Moya et al. (No. 5); thence east three hundred and twelve (312) Chains more or less to the south east corner of land set off to said Maria Manuela Moya et al; thence south one hundred Chains to the south west corner of lands set off to Reyes Gonzales (No. 11); thence east about one hundred and eighty eight (188) Chains to the south east corner of the said Reyes Gonzales land; thence north three hundred (300) chains to the north east corner of the said Reyes Gonzales land; thence west two hundred and forty eight Chains and thirty links (248.30) to the northwest corner of the said Reyes Gonzales land: thence north sixty (60) Chains to the north east corner of lands set off to Miguel Olivas (No. 16): thence westerly fifty one Chains and seventy links (51.70 chs.) more or less to the most easterly south east corner of land set off to José M.C. and F.C. Chaves (No. 12); thence north thirty eight (38) chains to the south east corner of lands set off to Leon Velarde (No. 19); thence north ninety seven chains and eighty links (97.80 chs.) to the north east corner of lands set off to Leon Velarde; thence east seventy six (76) chains to the north east cor-

mer of lands set off to Felipe Martinez et al. (No 3); thence north ninety one chains and eighty links (91.80 chs.) to the north east corner of the said Felipe Martinez et al. lands; thence east seventy four (74) chains to the south east corner of lands set off to José Antonio Martin et al. (No. 9); thence north sixty three chains and seventy four links (63.74 chs.) to the north east corner of said José Antonio Martin land; thence west one hundred and thirty four chains and sixty links (134.60 chs.) to the centre of the Gallinas River: thence down the centre of the Gallinas River to a point which is nine chains and forty links (9.40 chs.) north and eleven chains and eighty links (11.80 chs.) west from a stone monument on the east side of the Gallinas River, which is 10 x 10 x 33 inches marked I.C. XLVII. with mound of stone, which point is the southwest corner of land set off to Isidor Teran et al. (No. 2); thence east one hundred and seventy five (175) chains; thence north one hundred and fourteen chains and fifty three links (114.53 chs.) to the northeast corner of lands set off to the said Isidor Teran et al; thence west thirty six (36) chains to the most southerly south east corner of land set off to J. Patricio Chaves. et al. (No. 1); thence north one hundred and seventy eight chains and fifty links (178.50 chs.) to the most easterly north east corner of lands set off to J. Patricio Chaves. et al. which is fifty three chains and forty two links (53.42 chs.) S. 44° E. from a stone monument on the west or left bank of the Gallinas River 6 x 8 x 30 inches marked I. C. XLV with mound of Rock; thence N. 44° W. forty seven (47) chains to the centre of the Gallinas River: thence down the centre of the said river to the centre of the Chamita river; thence northerly up the centre of the Chamita River: thence northerly up to the north east corner of lands set off to Antonio Maria Vigil (Lot 21); thence west two hundred and one (201) chains; thence north one hundred and twenty eight (128) chains: thence west one hundred (100) chains. to the north

east corner of lands set off to J. Patricio Lobaos et al. (No. 1); thence again west one thousand and twenty five (1025) chains more or less to the west boundary of the grant; thence northerly along the west boundary of the grant to the north west corner thereof, which is a stone monument 18 x 12 x 8 inches, half in the ground marked U.S. M.M.C. Cor. on east side, from which a pinon tree bears S. 20° 15' E. sixty nine links (69) and a pinon tree bears S. 9° 40' W. one hundred and forty three (143) links; thence east along the north boundary of the grant five hundred and forty eight chains and sixty one links (548.61 chs.) to a point which is sixteen chains and five links (16.05 chs.) west from a stone monument 17 x 9 x 7 inches marked 20 M. on east side; thence south two hundred and eighty three chains and six links (283.06 chs.); thence east three hundred and fifty two (352) chains more or less to a point which is seventy three chains and forty six links (73.46 chs.) S. 25° 28' E. from a stone monument 6 x 8 x 20 inches marked I.C.XLIII; thence east to the centre of the Chamu River; thence southerly down the centre of said River to a point due west from the centre of the Ceballa River at its mouth; thence up the centre of the Ceballa River to a point which is five chains and fifty links (5.50 chs) north, and thirteen (13) chains east of a monument six mound of earth with four pits marked I.C.XVII on north east side; thence north about three hundred and fifty eight chains and fifty eight links (358.58 chs.) to the north boundary of the grant at a sandstone 12 x 8 x 6 inches marked 6 M. on the east side with mound of earth set for six mile corner, from which a pinon 6 inches in diameter bears N. 81° 30' E. thirty one (31) links; a pinon 12 inches in diameter bears N. 18° 30' E. fifty five (55) links a pinon 8 inches in diameter bears N. 26° W thirty nine (39) links; a pinon 12 inches in diameter bears S. 58° 25' W. fifty (50) links; thence east along the north boundary of the grant to the place of beginning.

28th Day Monday January 30th A. D. 1888

25th Day Thursday January 28th A. D. 1888.

It is ordered that the following allowance be and the same is hereby made to the Territorial Capitol Building Committee against the United States, to wit:
For the use of Capitol Building for Supreme Court, including water, gas, janitor, engineer fuel & lights $200.00

It is ordered That all actions causes and proceedings, rules pleas and pleadings, as well as all motions and other matter now pending in this Court, and not otherwise disposed of, shall stand Continued until the next regular term of this Court.

It is ordered that Court do now stand adjourned until the next regular term as provided by law, Commencing on the first Monday of January A. D. 1889.

Record signed this 30th day of January A. D. 1888.

Elisha Long Chief Justice
Associate Justice
Associate Justice.
W. F. Henderson Associate Justice.

At a regular term of the Supreme Court of the Territory of New Mexico begun and held at Santa Fe the Seat of Government of said Territory on the first Monday of January in the year eighteen hundred and eighty nine. The same being January 7. 1889.

Present:

The Honorable Reuben A Reese. Associate Justice of said Supreme Court.

The Honorable William H Brinker. Associate Justice of said Supreme Court

The Honorable William F. Henderson. Associate Justice of said Supreme Court.

Harrison Burns. Assistant United States Attorney for said Territory.

Romulo Martinez. United States Attorne Marshal for said Territory.

R. M. Pore. Clerk of said Supreme Court.

It is ordered that Pedro Delgado be and he is hereby appointed Crier to the Court and he thereupon appears in open Court and is duly sworn as such.

It is ordered that Genevevo Sandoval. Nestor Montoya and Maximo Martinez be and they are hereby appointed Bailiffs to the Court and they thereupon appear in open Court and are duly sworn as such.

On motion of Neil D. Field. Esq: It is ordered that James A. Williamson. Esq. a member of the bar of the Second Judicial District Court of this Territory. be and he hereby is admitted to practice as an attorney. solicitor and counsellor of this Court and he thereupon appears in open Court and signs the roll of attorneys and takes the official oath. prescribed by the rules of the Court.

On motion of Isaac S. Tiffany. Esq: It is ordered that Clifford L. Jackson. Esq. a member of the bar of the Second Judicial District Court of this Territory be, and he hereby is admitted to practice as an attorney. solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

21st Day Monday January Seventh A. D. 1884.

On motion of Isaac D. Tiffany Esq. It is ordered that Frank A. Leonard Esq. a member of the bar of the Second Judicial District Court of this Territory be and he is hereby admitted to practice as an attorney solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

On motion of S. B. Newcomb Esq. It is ordered that H. C. Bowman Esq. a member of the bar of the Second Judicial District Court of this Territory be and is hereby admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

On motion of Geo. Cuyler Preston Esq: It is ordered that Harry S. Clancy Esq. a member of the bar of the First Judicial District Court of this Territory be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

On motion of Frank W. Clancy Esq It is ordered that Summers Burkhart Esq. a member of the bar of the First Judicial District Court of this Territory be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court and signs the roll of attorneys.

351 Thomas D. Catron, Plff. in Error
vs.
Board of County Commissioners of Santa Fé County et al.
} Error to District Court Santa Fé County.

Now comes E. A. Fiske Esq and enters his appearance herein for said defendants in error and files supplemental briefs

... 81st Day Monday January Seventh A. D. 1889

3774 Edward L. Fancher et al. Plffs. in Error } Error
vs. } to Santa
New Mexico Mining Company et al. Defts in Error } Fe Co.

Now come said defendants in error by their solicitors. Mr. H. F. Thornton and E. L. Bartlett and appear specially herein for the purposes of their motion to quash said writ of error which is now filed.

3775 John B. Lamy et al. Plffs in Error } Error
vs. } to Santa
Thomas D. Catron et al. Defts in Error. } Fe Co.

Now come said defendants in error personally and appear specially herein for the purposes of their motion to quash said writ of error which is now filed.

356 Charles Seidler, Appellant } Appeal
vs. } from Sier.
M. J. Maxfield et al. Appellees } ra County

Now comes E. L. Bartlett Esq and enters his appearance herein for said appellees.

3775 John B. Lamy et al. Plffs in Error } Error to
vs. } Santa
Thomas D. Catron et al. Defts in Error } Fe Co.

Now on motion of G. C. Preston, Esq. It is ordered that the time for said plaintiffs in error to file their brief herein be and is extended until tomorrow morning.

3771 Charles H. Lewis, Appellee } Appeal
vs. } from Santa
Luciano Baca et al. Appellants } Fe Co.

On motion of G. C. Preston, Esq. It is ordered that the time for said appellants to file their brief herein be and is extended until tomorrow morning

3779 Hugues Y. Kirchner, Appellee } Appeal
vs. } from Santa
Baron M. Langhein et al. Appellants } Fe Co.

On motion of G. C. Preston, Esq. It is ordered that the time for said appellants to file their brief herein be and is extended until tomorrow morning

First Day. Monday, January 7th, A. D. 1889.

3178 Western Union Telegraph Co. Plff in Error } Error to Santa Fe
vs. } County.
Robert McLongwill. Defendant in Error }

On motion of Mr. F. W. Clancy. It is ordered that said plaintiff in error have until next Monday morning in which to file its brief herein, said defendant in error to have three days thereafter in which to reply to the same.

3385 David Abrahams. Appellee } Appeal from
vs. } Grant Co.
The California Powder Company, et al. Appellant }

On motion of Mr. Clancy. It is ordered that said plaintiff in error have until next morning in which to file their briefs herein.

3381 Town of Albuquerque. Plff in Error } Error to Bernalillo
vs. } County
Charles Jaeger. Deft in Error }

On motion of Mr. Whiteman. It is ordered that said plaintiff in error have until next Tuesday, January 16, in which to file its briefs herein.

386 Josiah M. Ellis Appellee } Appeal from
vs. } Doña Ana Co.
J. B. Necobourough et al. Appellants }

By agreement of said parties by their respective attorneys. It is ordered that this cause stand continued until the next term of Court and that said appellee have until the first day of September, 1889, in which to file his briefs, Messrs. Ryerson & Wade appearing for said appellee and Mr. Necoomb for said appellants.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Second Day Tuesday January Eighth A. D. 1889

Second Day.

Court meets pursuant to adjournment

Present as upon yesterday, viz also:

The Honorable Elisha V. Long Chief Justice of the Supreme Court of the Territory of New Mexico

The record of yesterdays proceedings is read and approved.

It is ordered that the Court do now adjourn until tomorrows morning at ten o'clock.

Third Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

213 The Territory of New Mexico } Appeal from
vs. } District Court
D. L. Hancock } Bernalillo County.

This cause having been argued by counsel, and submitted to the Court for consideration and decision, and the Court being now sufficiently advised in the premises, and the judgment of the lower Court and remanding this cause to that Court with instructions to grant said defendants motion in arrest of judgment; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court for Bernalillo County be reversed this cause remanded to the District Court, be

This cause coming on to be heard upon motion of the appellees to dismiss the appeal herein for the reason that the record herein does not show that the appellant was a citizen of the United States, and it appearing to the Court that the appellees have withdrawn their motion to dismiss, and the Court being now sufficiently advised in the premises, it is ordered that said motion be and the same is hereby overruled.

Gregoria Trujillo de Armijo et al. } Error to
vs. } Bernalillo
Francisco Armijo de Ortero et al. } County.

Now come said plaintiffs in error by their attorney, Mr. Catron, and say to the Court here that they will not further prosecute their said writ of error but dismiss the same: It is therefore considered and adjudged by the Court that said writ of error be and the same hereby is dismissed, and that said plaintiffs in error pay the costs in this behalf expended, to be taxed, and that execution issue therefor.

Edward J. Farish et al. Plffs in Error } Error to
vs. } Santa Fe
New Mexico Mining Co. et al. Defts in Error } Co.

This cause having been heretofore set for hearing on the merits on January 11. and said defendants in error having since filed a motion to dismiss said writ: It is ordered that said motion be now set for hearing on said January 11. and that if said motion be overruled, said defendants in error shall have further time in which to file their briefs.

United States, Appellee } Appeal
vs. } from Third
Morris Holzmith } District

On motion of E. C. Abade, Esq: It is ordered that appellant be and hereby is permitted to withdraw from the files the transcript of record filed herein for the purpose of transmitting the same to the Stenographer of the Third Judicial District Court and obtaining from him a certificate that the transcript of the evidence made by him in said case and filed in this Court is a true and correct transcript of his notes in said case:

Fourth Day Thursday January 5th A. D. 1884

It is ordered that the Court do now adjourn until tomorrow morning at nine oclock,

Fourth Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read & approved.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten oclock.

Fifth Day,

Court meets pursuant to adjournment

Present as upon yesterday,

The record of yesterdays proceedings is read and approved

It is ordered that the Court do now adjourn until tomorrow morning at half past ten oclock.

Sixth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

218 John R. Price et al. Appellees vs. Gillam Garland. } Appeal from Bernalillo Co.

The motion of said appellees to retax the costs as to certain items taxed by the Clerk, having been argued by counsel and submitted to and taken under advisement by the Court at a former term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson, sustaining said motion, all the members of the Court concurring; It is therefore ordered by the Court that the costs of this cause be retaxed in accordance with said motion and that the items for printing the transcript of record, for printing appellant's briefs, and for transcribing the stenographer's notes be and they hereby are stricken out from said costs as heretofore taxed.

338 Henry D. Bates and Geo. H. Cook, Plffs in Error, vs. William B. Childers and Thomas F. Conway, Defts in Error } Error to Socorro County

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term, and the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Long, affirming the judgment of the Court below, except as to personal judgment against said plaintiffs in error, Henry D. Bates, and the order for execution against him, and ordering that said judgment be modified in that respect, for reasons stated in the opinion on file, Associate Justices Prinker, Henderson and Reed concurring; It is therefore ordered, adjudged and decreed that the decree of the Second Judicial District Court of this Territory in and for Socorro County, in this cause, wherein this cause came into this Court be and the same is hereby so modified as to strike out therefrom the personal judgment and order for execution against said plaintiff in error Henry D. Bates, and that

the said defendants in error (complainants below) William D Childers and Thomas F Conway do have and recover from the said Henry D Bates, the sum of seven hundred and fifty dollars, together with interest thereon since the first day of August A.D. 1886, at the rate of six per cent per annum, together with cost of this suit to be taxed, including a masters fee of fifty dollars, which is hereby allowed Philion Riley and that in default of the payment thereof within twenty days from today, that undivided one fourth interest in the Imperial Mine situated in the Magdalena Mountains, Socorro County, Territory of New Mexico, which was sold by John D Smith to said George H Cook and afterwards sold and transferred to said Henry D Bates by said Cooke, shall be sold to satisfy the same and the Sheriff of said Socorro County is hereby empowered to sell the same, after giving notice of the time and place of sale required by law in case of the sale of real estate under execution: And it appearing to the Court that said Henry D Bates and George H Cook are the principals and H R Harris H H Moore and Arthur Goble are sureties upon the supersedeas bond on file herein: It is further considered and adjudged by the Court that said William D Childers and Thomas F Conway do have and recover of and from said Henry D Bates, George H Cook, principals and H R Harris H H Moore and Arthur Goble sureties, as aforesaid, the said sum of seven hundred and fifty dollars, together with interest and costs as aforesaid and also the costs of this Court to be taxed, and that they have execution therefor: And it is further ordered that execution upon the foregoing judgment shall not issue unless a certificate of said Sheriff of Socorro County, showing that the proceeds of the sale above provided for, are insufficient to pay said judgment, interest and costs is filed with the Clerk of this Court and also showing what such proceeds may be.

301 United States of America, Appellee vs. June L Fuller Appellant } Appeal from Third Judicial District.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term, the Court being now sufficiently advised in the premises, announced its decision by Associate Justice Brinker, affirming the judgment of the Court below for reasons stated in the opinion on file. Chief Justice Long and Associate Justice Reese concurring: And it being made to appear to the Court that since the judgment and sentence heretofore entered in this cause by the District Court, it has been ordered and directed by the proper authorities of the United States that all persons sentenced to imprisonment for a term of two years in this Territory under the laws of the United States should be confined in the Ohio State Penitentiary at Columbus, Ohio, and that said sentence is for more than two years: It is considered and adjudged by the Court,

the judgment and sentence of the Third Judicial District Court of this Territory, wherein this cause came into this Court be and the same hereby is affirmed except as to the place of confinement and that said appellant Jesse L. Fuller for the offence charged against him in said indictment be confined at hard labor in the penitentiary at Columbus in the State of Ohio for the full term of four years, commencing from and after the 12th day of January, 1889.

It is further ordered and adjudged that the United States Marshal for the District of New Mexico do convey the said Jesse L. Fuller to said Ohio Penitentiary at Columbus, Ohio, as soon as possible, and deliver him, the said Jesse L. Fuller to the Warden or other proper custodian of said Penitentiary to be by said Warden or custodian confined as aforesaid, and a certified copy of this judgment to be sufficient warrant to said Marshal and Warden for so doing.

271 Jesus Maria Perea et al. Administrators &c. } Appeal
vs. } from Santa
Candelaria Montoya de Gallegos. Appellee } Fe Co.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term, the Court being now sufficiently advised, announces its decision by Associate Justice Reeves, reversing the decree of the lower and remanding this cause to that Court with directions to reopen the cause, and to allow complainants' admendment on such terms as to payment of costs as the Court may impose and for further proceedings, for reasons stated in the opinion on file, all the members of the Court concurring:

It is therefore considered and adjudged, ordered and decreed by the Court that the judgment and decree of the First Judicial District Court of this Territory wherein this cause came into this Court, be and the same hereby is, reversed and set aside and that this cause be and the same hereby is remanded to that Court in and for Santa Fé County with instructions to reopen the same and to allow complainants' amendment to said bill on such terms, as to payment of costs, as the Court may impose and for further proceedings according to the rules

and practice of this Court: It is further ordered adjudged and decreed by the Court that said defendant and appellee pay the costs of this Court to be taxed and that execution issue therefor.

154 Lambert N. Hopkins et al vs. Orr and Lindsey. } Error to Pemiscot County

Now come said defendants in error and present to the Court here the mandate of the Supreme Court of the United States by which it appears that the judgment of this court in said cause has been affirmed by said court and this cause remanded to this Court for execution, and moves the Court to order execution in accordance with said mandate and said plaintiffs in error not appearing said motion the Court sustains the same and orders execution to issue upon the judgment in this cause above referred to in accordance with said mandate.

It is ordered that the Court do now adjourn until Monday morning at half past ten o'clock.

Sev: th Day Monday January Fourteenth A. D. 1854

Seventh Day

Court meets pursuant to adjournment

Present as upon Saturday

The record of Saturdays proceedings is read & approved.

Solon L. Wiley. Complainant &c/Appellant } Appeal
vs. } from
354 The San Pedro & Cañon del Agua Company } Bernalillo
Defendant &c. Appellee } County.

Now. this cause having been heretofore argued by counsel & submitted to & taken under advisement by the Court at a former term. the Court being now sufficiently advised in the premises announces its decision by Chief Justice Long. affirming the decree of the lower Court. for reasons stated in the opinion on file. Associate Justices Henderson & Reese concurring: It is therefore ordered. adjudged & decreed by the Court that the decree in this cause of the District Court in & for Bernalillo County. whence this cause came into this Court. be & the same is hereby affirmed & that. in accordance therewith said bill of complaint be dismissed & is hereby dismissed & that said defendant recover of said complainant its costs in this behalf expended to be taxed & that execution issue therefor. including the costs of this Court.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten oclock

Eighth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read and approved

291 Territory ex rel. Simon Leyser vs. Rudskopff Bros & Co et al. Appellants } Appeal from Socorro Co.

This cause having been submitted to the Court at a former term by the Court being now sufficiently advised in the premises announces its decision by Associate Justice Henderson, affirming the judgment of the court below. for reasons stated in the opinion on file. Chief Justice Long and Associate Justice Reeves concurring: It is therefore considered and adjudged by the Court that The Territory of New Mexico for the use and benefit of Simon Leyser, in accordance with said judgment of the District Court of Socorro County, Hence this cause came into this Court, do have and recover of and from Neill B. Field, A. Eisenmann and J. Uhlfelder, the sum of four hundred dollars, with interest thereon from the 27th day of March, 1886, at the rate of six per cent. per annum. together with its costs in this behalf expended to be taxed, as well in the Lower Court, as in this Court, and that execution issue therefor.

206 Charles Seidler. Appellant vs. Atwood Lafaro } Appeal from Sierra County

This cause having been heretofore at a former term submitted to and taken under advisement by the Court, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Prince, reversing the judgment of the Lower Court and remanding this cause for reasons stated in the opinion on file. Chief Justice Long and Associate Justice Reeves concurring. It is therefore considered and adjudged by the

Eighth Day Session Thursday Afternoon A. D. 1859

Came the judgment in this cause of the District Court of Doña Ana County, whence this cause came with the same duly certified, and the same being reviewed, and set aside in this cause remanded to that Court with instructions to proceed therein according to the usual course of practice.

The Southern Pacific Railroad Company. Appellant

vs.

259 Rafila Enriquez Appellee

Appeal from District Court Doña Ana Co.

This cause having been heretofore submitted to the Court on briefs and taken under advisement, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Reese, affirming the judgment of the lower Court for reasons stated in the opinion on file, Chief Justice Long and Associate Justice Brinker concurring It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of the County of Doña Ana County be and the same hereby is affirmed and that in accordance therewith said cause be and the same is hereby dismissed, and that said defendant go hence without day and that said plaintiff and appellant pay the costs of this suit to be taxed, as well in the Lower Court as in this Court, and that execution issue therefor.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Ninth Day.

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Tenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

342 John D. Torlina. Plff in Error
vs.
August Trorlicht, et al. Defts in Error
} Error to Bernalillo County.

This cause having been argued by counsel & submitted to & taken under advisement by the Court at a former term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Brinker, affirming the judgment of the lower Court, for reasons stated in the opinion on file, Chief Associate Justices Henderson & Reeves concurring: & it is therefore considered & adjudged by the Court that the judgment in this cause of the District Court of the County of Bernalillo be & the same is hereby affirmed & that, in accordance

Sixth Day Thursday January Term A. D. 1889

Whereupon the attachment of the plaintiff therein be and the same is hereby dissolved and that the defendant in error recover of said plaintiff in error their costs accrued in the attachment proceeding of this cause as well as their costs in this Court to be taxed and that execution issue therefor.

285 Frederick Desmarais, Plff in Error
vs.
Benigno Romero. Dfendant in Error
} Error to District Court - San Miguel Co

This cause having been heretofore submitted to the Court upon the briefs of said parties filed herein. the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Brinker, reversing the judgment of the lower Court unless said defendant in error within ten days remit the excess of interest in said judgment but if such remittur be filed within that time, affirming said judgment at defendant in error's costs, for reasons stated in the opinion on file. Associate Justice Bunker, Reeves and Helm decision concurring: and the said defendant in error now remitting the excess of interest, amounting to thirteen dollars and forty four cents, leaving said judgment seven hundred and seventy four dollars and forty eight cents. and considering that said judgment shall bear interest at the rate of six instead of seven per cent: It is considered and adjudged by the Court that the said judgment of the District Court of San Miguel County be and the same hereby is affirmed with said modification: and that said defendant in error Benigno Romero recover from said plaintiff in error Frederick Desmarais, the sum of seven hundred and seventy four dollars and forty eight cents, being the amount of the judgment of the District Court, less the excess of interest remitted, with interest thereon at the rate of six per cent per annum from March 1st, 1886. together with his costs in the lower Court in this behalf expended to be taxed and that execution issue therefor: and it appearing to the Court that George Chaves and Soreno Lopez

it.is ordered on the suppersedeas bond. It is further considered and adjudged by the Court that said defendant in error Benigno Romero, recover of said George Chaves and Lorenzo Lopez the said sum of seven hundred and seventy four dollars and forty eight cents, together with interest and costs, as aforesaid and that execution issue therefor: and It is further considered and adjudged by the Court that said defendant in error Benigno Romero pay the costs of this suit in this Court to be taxed and that Execution issue therefor.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Eleventh Day,

Court meets pursuant to adjournment

Present as upon yesterday, except the Honor-

The record of yesterday's proceedings is read and approved.

Lorenzo Lopez, Plaintiff in Error } Error to
vs. } District Court
Benigno Romero, Defendant in Error } San Miguel Co

This cause having been heretofore submitted to the Court upon the briefs of said parties filed herein, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Brinker, reversing the judgment of the Lower Court, unless said Defendant in error within ten days remit the excess of interest in said judgment, but if such remittur be filed

restitution of said judgment at defendant in error's costs, for reasons stated in the opinion on file. Thereupon Mr. Wilson moved the said defendant in error's motion for leave to remit the excess of interest, amounting to fifteen dollars and forty four cents, leaving said judgment in favor of seventy four dollars and forty eight cents. And consenting that judgment shall be rendered at the rate of six per cent: It is considered and adjudged by the Court that the judgment in this cause of the District Court of San Miguel County be and the same hereby is affirmed with said modification and that said defendant in error Benigno Romero recover of said plaintiff in error Lorenzo Lopez, the sum of seven hundred and seventy four dollars and forty eight cents, being the amount of the judgment of the District Court less the excess of interest aforesaid, remitted, with interest thereon at the rate of six per cent per annum from March 17. 1886. together with his costs in this behalf in the Lower Court expended to be taxed and that he have execution therefor: And it appearing to the Court that George Chavez and Frederick Desmarais are sureties on the supersedeas bond herein: it is further considered and adjudged by the Court that said Benigno Romero recover of said George Chavez and Frederick Desmarais, sureties as aforesaid, the said sum of seven hundred and seventy four dollars and forty eight cents, with interest and costs as aforesaid and that he have execution therefor: And it appearing to the Court that said defendant in error Benigno Romero pay the costs of this suit in this Court to be taxed, and that execution issue therefor.

265 United States, Appellant
vs.
Nathan Hall
} Appeal from Second District

By agreement of said parties by respective attorneys, this cause is now submitted to the Court upon the record and briefs now on file herein.

353 Frank Ruby
vs.
Dillwin E Talbott et al. } Appeal from District Court, Bernalillo County

Now comes H. B. Field Esq and suggests to the Court here the death of Dillwin E Talbott one of the defendants herein and that John H Lee is the Executor of his last will and testament and moves that said executor be substituted as party defendant for said Talbott and the Court sustains said motion and orders that said John H. Lee Executor of the last will and testament of Dillwin E Talbott deceased, be and is substituted as party defendant herein for said Dillwin E. Talbott, and that this cause proceed in his name to determination.

351 Thomas B Catron Plff in Error
vs.
Board of Co. Commissioners of Santa Fe County et al. Defts in Error } Error to District Court Santa Fe Co.

This cause coming on to be heard upon the record and assignments of error filed herein is argued by Mr. Knabel and Mr. Clancy in behalf of said plaintiff in error and by Mr. Fiske and Mr. Laughlin in behalf of defendants in error. And submitted to the Court and the Court, not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at nine o'clock A.

Twelfth Day

Court meets pursuant to adjournment

Present as upon yesterday viz also The Hon. A. J. Henderson

The record of yesterday's proceedings is read & approved.

It is ordered that the Court do now adjourn until Monday morning at half past ten o'clock.

Thirteenth Day

Court meets pursuant to adjournment

Present as upon Saturday

The record of Saturday's proceedings is read & approved

On motion of A. B. Elliott Esq: It is ordered that Joseph A. Arechta Esq. a member of the bar of the Third Judicial District of this Territory, be & he is hereby admitted to practice as an attorney, solicitor & counsellor of this Court & he thereupon appears in open Court, signs the roll of attorneys & takes the official oath prescribed by the rules of the Court.

55 Francisco X. Vigil, Appellee
vs. } Appeal from Valencia County
Lorenzo Hubbard, Appellant

This cause having been argued by counsel & submitted & taken under advisement by the Court at a former term, the Court being now sufficiently advised in the premises announces its decision by Chief Justice Long

affirming the judgment of the lower Court for reasons stated in the opinion on file. Associate Justices Reeves and Henderson concurring: It is therefore considered and adjudged by the Court that the judgment of the District Court of Valencia County in this cause be and the same hereby is affirmed and that in accordance therewith, said contestant and appellee is entitled to the possession of the office of assessor of Valencia County, New Mexico as prayed. and that contestee forthwith deliver said office to contestant, with all records, books, papers and documents, furniture and all other things pertaining to said office and that said contestee pay the costs herein: and It is further considered and adjudged by the Court that said contestant recover of said contestee the costs in this Court in this behalf expended to be taxed and that execution issue therefor.

293 Ex Parte Edward C. Henriquez } Certiorari. } Appeal from District Court } Valencia County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Reeves, affirming the judgment of the lower Court for reasons stated in the opinion on file: Chief Justice Long and Associate Justice Henderson concurring: It is therefore considered and adjudged by the Court that the judgment in this proceeding of the District Court of Valencia County be and the same hereby is, affirmed and that in accordance therewith, said writ be dismissed and that said petitioner recover nothing by reason thereof and that the party the costs of this proceeding as well of the lower Court, as in this Court & to be taxed and that execution issue therefor.

298 Lynch Dranhe & Co. vs. Grayson & Company } Appeal from } Sierra County

Now come said defendants and appellees and move the Court to continue this cause until the next term for reasons stated in the motion on file and said motion being argued by counsel Mr. Catron and Mr. Elliott appearing for said motion and Mr. Hencomb in opposition thereto. and submitted to the Court the Court not being sufficiently advised in the premises. taked the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Fourteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved

298 Lynch Bro. vs. Grayson & Company } Appeal from District Court Sierra County.

The motion of said appellant for a continuance having been taken under advisement by the Court. the Court being now sufficiently advised, sustains the same; It is thereupon considered and ordered by the Court that this cause stand continued until the next term of Court.

353 Frank Ruby, Appellant vs. John A Lee, Exr. &c. et al. Appellees } Appeal from Dist. Court. Bernalillo C

This cause having been argued by coun-

rel, was submitted to the Court upon the argument by the Court, the Court being now duly advised in the premises, it is the decision by Associate Justice Reeves, affirming the judgment of the lower Court, for reasons stated in the opinion on file, Associate Justice Henderson concurring. Chief Justice Long filing a separate opinion concurring in the result: It is therefore ordered, adjudged and decreed, that the decree in this cause of the District Court of Denalli County be and the same is hereby is affirmed, and shall in accordance therewith, the said bill of complaint, as to the defendant Gillum E. Waldock, be and the same hereby is dismissed, and that said complainant pay the cost, of the said, as filed in the lower Court and that the Court be taxed, and that execution issue therefor.

341

United States, Appellee, vs. Algernon Algernon, Appellant.

Motion to dismiss appeal and affirm decree of District Court.

Motion comes said appellee and moves the Court to dismiss the appeal herein and affirm decree of District Court in said matter under advisement.

350

Chas Reeder, Appellant vs. Wm Mayfield, Appellee.

(1) The appellant

Fifteenth Day Wednesday January Twenty Third A. D. 1889

Fifteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

The Board of County Commissioners of Sierra County, Plaintiff in error, vs. The Board of County Commissioners of Doña Ana County, Defendant in error. } Error to District Court Doña Ana County.

9243

This cause having been argued by counsel & submitted to & taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Reed, affirming the judgment of the lower Court for reasons stated in the opinion on file. Chief Justice Long concurring, Associate Justice Bantes concurring in the result in a separate opinion: It is therefore considered & adjudged by the Court that the judgment in this cause of the Third Judicial District Court within & for Doña Ana County be & the same hereby is affirmed & that in accordance therewith the said County of Doña Ana through its Board of County Commissioners of Doña Ana County & other duly constituted legal authority, do have & recover of the County of Sierra, in the manner now provided, or which may be hereafter provided by law, the sum of fourteen thousand & sixty five dollars & ninety-four cents, with interest thereon at the rate of six per cent per annum from the third day of December, 1886, together with its costs in this behalf expended & to be taxed, as well in the lower Court as in this Court: & it appearing to the Court that M. Grayson & Frank Kleiner are sureties on the bond for costs herein, It is considered & adjudged by the Court that said defendant in error, recover of said M. Grayson & Frank Kleiner their costs in this behalf expended & as well, in the lower Court, to be taxed & com

this Court to be taxed and that execution issue therefor.

J. Francisco Chavez, Appellant
vs.
Jesus M. Luna, Sheriff &c. Appellees
} Appeal from Valencia County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former term of the Court the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Henderson affirming the judgment of the lower Court for reasons stated in the opinion on file, Chief Justice Long and Associate Justice Reeves concurring; It is therefore considered, ordered, adjudged and decreed by the Court that the decree of the Second Judicial District Court in and for Valencia County be and the same hereby is affirmed and that in accordance therewith, said bill of complaint be and the same hereby is dismissed and that said defendants in error recover of said J. Francisco Chavez, their costs in this behalf expended, as well in the lower Court to be taxed and that execution issue therefor: and it appearing to the Court that Jose D. Bulagas and J. Placido Romero are sureties on the appeal bond herein: It is further ordered and decreed by the Court that said appellees recover of said Jose D. Bulagas and J. Placido Romero their costs in this behalf expended, as well in the lower Court as in this Court to be taxed and that execution issue therefor against them.

396 Ex parte.
} Application for writ of habeas corpus.

The petition praying for the writ of habeas corpus presented by counsel and application, and it appearing by the petition, that petitioner is confined in the County Jail of Bernalillo County by the Sheriff, and the Court therefore issued its writ of habeas corpus directed to the Sheriff of said County, and the Court having duly considered the petition

3491 Samuel T. Tenney et al. } Appeal from
vs. } Sierra County
Jesse Shelldal.

This cause being called for argument Messrs Lake appearing for Appellants and Mr Shelldal for Respondents, It is ordered that the Court do now adjourn until the next Term of Court.

359 James W. Wilcox et al Appellants. } Appeal from
vs. } Sierra County
James G. Bell et al. Appellees

This cause coming on to be heard upon the transcript of record, and argued by counsel, on the argument appearing on behalf of said appellants, and Mr Shelldal on behalf of said appellees, and submitted to the Court, & the Court being sufficiently advised in the premises, doth order & decree, as follows.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Thursday Jan 5

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

316 David C. Fryer. Appellee } Appeal from District
vs. } Court of San Miguel
The Portsmouth Cattle Company Appellant

This cause coming on to be heard on the record, assignments of error and briefs filed herein, & so argued by counsel. Mr. Springer appearing for

said appellant was Wm Inskeep & Wm Breeden for said appellee. was submitted to the Court by the Court, not being sufficiently advised of the premises, takes the same under advisement.

Ellen E. Cuney, et al. Appellants
vs.
Frank Wm Callom et al. Appellees
} Appeal from District Court, Lincoln County

362

Now come said appellees by their attorney. Wm Ferguson and move the Court to affirm said judgment and decree of the lower Court in this cause for reasons stated in the motion on file. Wm Thornton appearing for said appellants, but not resisting said motion, the Court sustains the same; and it is considered and adjudged by the Court that the judgment and decree in this cause of the District Court in and for Lincoln County be and the same is hereby affirmed and it is ordered, adjudged and decreed that the plaintiffs, in accordance therewith, pay into the Clerk of the said Court within sixty days from this date the sum of five hundred dollars to be paid by said Clerk to said defendants and that upon the payment of said sum injunction herein be made perpetual: and it appearing to the Court by the records herein that said sum of five hundred dollars was paid by said plaintiffs to the Clerk of said Court on May 19. 1887, It is further ordered, adjudged and decreed by the Court that said Clerk pay over to said defendants said sum and that said injunction be and is hereby made perpetual. It is further ordered, adjudged and decreed that each party pay one half of all the costs of this action, and the lower Court allowed, including a master's fee of sixty dollars, which is directed by J. J. Gaslin Esq. and that proper process issue to enforce this order; and it is further ordered, adjudged and decreed, that the same be and is hereby made perpetual, and that execution issue for the collection of said costs as provided by law.

363

United States
} Error to
District

Marcellus Hard & Isaac Chapman

It is ordered that this cause be advanced and set down especially for hearing on tomorrow morning.

William Dent
vs. } Error to District
Guadalupe Thompson et al. } Court Taos Co

370

On motion of said plaintiff in error. It is ordered that this cause be set down specially for hearing on next Saturday morning.

Edward L. Farish. Plff in Error
vs. } Error to
New Mexico Mining Co. et al. } Santa Fe Co.

374

Now come said defendants in error by their attorneys. Messrs. Thornton and Bartlett and move the Court to quash said writ of error and strike this cause from the docket for reasons stated in the motion on file. And said motion being argued by counsel and submitted to the Court. The Court takes the same under advisement.

John D Lamy et al. Plff in Error
vs. } Error to Santa Fe County.

375

J D Catron et al. Deft in Error

Now come said defendants in error by their attorney. Mr Thornton and move the Court to quash said writ of error & strike this cause from the docket for reasons stated in the motion on file and said motion is argued by counsel. and submitted to and taken under advisement by the Court.

William Bent, Plff in Error
vs. } Error to
Guadalupe Thompson et al } Taos County

370

Now come said defendants in error by their attorneys. Mr Springer and Mr Clancy and move the Court to affirm the judgment of the lower Court for reasons stated in the motion on file and said motion is argued by counsel and submitted to and taken under advisement by the Court.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Fourteenth Day Friday January eighteenth Fifth A. D. 1889

Fourteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

Chas Seidler Appellant
vs.
354 H. J. Maxfield et al. Appellees
} Appeal from Sierra Co.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term and the Court being now sufficiently advised in the premises announces its decision by Associate Justice Brinker, reversing the judgment of the lower Court and remanding this cause to that Court, for reasons stated in the opinion on file. Chief Justice Long and Associate Justice Reese concurring: It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court within and for Sierra County, whence this cause came into this Court, be and the same is hereby reversed and set aside and this cause remanded to that Court for further action: And it is further adjudged by the Court that said appellant recover of said appellees his costs in this behalf in this Court expended to be taxed and that execution issue therefor.

United States of America
vs.
365 Nathan Hall. Appellee
} Appeal from Second District

This cause having been submitted to and taken under advisement by the Court at a former day of the present term and the Court being now sufficiently advised in the premises. Announces decision by Associate Justice Henderson affirming the judgment of the lower Court for reasons stated in the opinion on file. Associate Justice Reese concurring in the result in a separate opinion, Chief Justice Long dissenting. It is therefore considered and adjudged by the

Court that the judgment in this cause of the Second Judicial District Court reverse this cause came into this Court be and the same is hereby affirmed and that in accordance therewith the said defendant go hence without day as to the charges in said indictment; that he be discharged from his recognizance and that the costs of this prosecution be taxed against the plaintiff, as well in this Court as in the lower court.

25 Thomas Blaton, Plff in Error
vs.
Board of County Commissioners of Santa Fe County et al. Defts in Error
Error to District Court. Santa Fe County.

This cause having been submitted to the Court, after argument by Counsel, and taken under advisement at a former day of the present term and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Prince, reversing the judgment of the lower and remanding this cause to that Court: It is therefore ordered, adjudged and decreed by the Court that the decree in this cause by the District Court of Santa Fe County, whence this cause came into this Court be and the same hereby is reversed and set aside and this cause remanded to that Court and it is further ordered, adjudged and decreed by the Court that said plaintiff in error recover of said defendants in error their costs in this behalf expended in this Court to be taxed.

On motion of E. A Fiske Esq. It is ordered that E.B. Franks. Esq be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court. he being a member of the bar of the Fourth Judicial District of this Territory and he thereupon appears in open Court and takes the official oath prescribed by the rules of this Court and subscribes the roll of attorneys.

On motion of M A Breeden. Esq It is ordered that Cuadelupio Martinez Esq. a member of the bar of the

First Judicial District of this Territory, be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appeared in open Court and subscribed the roll of attorneys and took the official oath prescribed by the rules of the Court.

376 The United States of America, Plff in Error, vs. The Maxwell Land Grant Company } Error to First Dis. tried

This cause coming on to be heard upon the record, the assignment of errors and briefs filed herein, is argued by counsel, Mr. Burns appearing for plaintiff in error and Mr. Springer for said defendant in error, and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

343 The Board of County Commissioners of Socorro Co. Plff in error, vs. The Board of County Commissioners of Doña Ana County } Error to District Court, Doña Ana County.

Now comes said defendant in error by its attorney, Mr. Wade and moves the Court to allow ten per cent damages in this Court for reasons stated in the opinions motion on file and said motion being argued by counsel and submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Eighteenth Day Saturday January Twenty Sixth A. D. 1884

Eighteenth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

350 The Territory of New Mexico, Appellee
vs.
Lorenzo Lee, Appellant

Appeal from Bernalillo County

This cause coming on to be heard upon the record & brief filed herein, is argued by counsel Mr. Breeden appearing for said appellee & Mr. Raley for said appellant & submitted to the Court, & the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until Monday morning at half past ten o'clock.

Nineteenth Day

Court meets pursuant to adjournment

Present as upon Saturday

The record of Saturday's proceedings is read & approved.

343 The Board of County Commissioners of Sierra County, Plff in Error
vs.
The Board of County Commissioners of Dona Ana County
Defendant in Error

Error to District Court Dona Ana County.

Motion of said Defendant in error to allow it Attorney's fees damages having been argued by Counsel & submitted & taken under advisement at a former day & the Court not being

sufficiently advised in the premises. the Court overrules the same: It is therefore ordered by the Court that said motion be and is hereby denied.

370 William Bent, Plff in Error. vs. Guadalupe Thompson et al. } Error to District Court, Taos County.

This cause comming on to be heard upon the record, the assignment of errors and the briefs of said parties filed herein. is submitted to the Court on behalf of said plaintiff in error on the briefs filed. and is argued by Mr. Clancy in behalf of said defendants in error and submitted to the Court by the Court, not being sufficiently advised in the premises, takes the same under advisement.

375 John B Lamy, et al vs. Thomas B Catron et al. } Error to Santa Fe County.

This cause is now called for hearing and passed until a later day of the term.

377 Charles C O Lewis. Appellee vs. Luciano Baca et al. Appellants } Appeal from Santa Fe County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed therein, is submitted to the Court on behalf of said appellants on the briefs filed and is argued by Mr. Knaebel in behalf of said appellees and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

(Twentieth Day) Tuesday January Twenty Ninth A. D. 1889

Twentieth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read approved.

397 United States of America, Appellee } Appeal from
vs. } Third District
Morris Halpenuth }

The motion of said Appellee to advance this cause for hearing at a former term, having been submitted to the Court, the Court now overrules the same.

396 John G. Hewitt et al. Appellees. } Appeal from
vs. } Lincoln Co.
Eli H Chandler et al. Appellant }

Now come said plaintiffs and appellees and file a transcript of record herein and move the Court to docket this cause and affirm the judgment of the Court below. for reasons stated in the motion on file and said motion is presented to the Court and argued by H. B. Ferguson, Esq. and submitted to the Court, and the Court not being sufficiently advised in the premises. takes the same under advisement

378 The Western Union Telegraph Company. Plaintiff in error } Error to
vs. } District Court
Robert H Longwill, Deft in Error } Scott Co.

This cause coming on to be heard upon the transcript of record. the briefs files and assignment of errors herein. is argued by Counsel. Mr Clancy appearing for said plaintiff in error and Mr Mahoney and Mr Breeden for said defendant in error.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten oclock.

Twenty First Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

397 John A. Hewitt et al. Appellees
vs.
Eli H. Chandler et al. Appellants
} Appeal from District Court Lincoln Co.

The motion of said appellees to affirm the judgment of the lower Court having been submitted to & taken under advisement by the Court at a former day, the Court being now sufficiently advised in the premises, sustains said motion: It is therefore considered & adjudged by the Court that the same be & the same is hereby affirmed & that in accordance therewith said appellees John A. Hewitt, George E. Zimmerman, George D. Prichard, Alvin H. Whitmore, Henry Milne, Charles S. Bush, Henry M. Johnson, Jacob Lietz & Charles Monjeau do have & recover of & from the defendants, Eli H. Chandler & Duncan Chandler, Thomas & Company the possession of the premises in the declaration described & to wit "The mining claim known & described as the Little Mack lode or mine, as located by Wm J. Spence on January 1st A.D. 1881, situated on Baxter Mountain in the White Oaks Mining District, Lincoln County, Territory of New Mexico, said Little Mack Mining Claim adjoining the Henry Clay mine on the south & extending fifteen hundred feet in a southerly direction from the south ends of said Henry Clay mine & being fifteen hundred feet, & the surface ground of said Little Mack mine, being marked, & each corner by stakes & stone monuments & that they have & recover of & from the defendants their possessions thereof: & it is further ordered & adjudged by the Court that said plaintiffs recover of said defendants their

costs in this behalf expended as well on the trial in this Court, as for lands, and that thereupon execution therefor.

J. C. Mills et al. vs J. F. Blair et al. } Appeal from Sierra County.

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term, and the Court being now sufficiently advised in the premises, announces its decision by Chief Justice Long, affirming the judgment of the Court below for reasons stated in the opinion on file, Associate Justices Rees and McBride concurring; It is therefore considered and adjudged by this Court that the judgment of the District Court in and for the County of Sierra in this cause be and the same hereby is affirmed and that in accordance therewith, James D. Mills, William H Berry, Levi Miller, Catherine Hammell and Thomas Hammell do have and recover of the defendants, James F Blair and Frank D. Fitcher the possession of the premises described in the declaration, herein, to wit: That certain tract and parcel of land and mining claim known as the Dread Nought Mine situated in the Apache Mining District in the County of Sierra (formerly Socorro) and described as follows, to wit: Beginning at the initial monument on the northern center of said claim and running thence three hundred (300) feet to a monument of stone: thence south fifteen hundred (1500) feet to a monument of stone: thence east three hundred (300) feet to a monument of stone, it being the south center of claim: thence last three hundred (300) feet to a monument of stone: thence fifteen hundred (1500) north to a monument of stone, thence west three hundred (300) feet to the place of beginning, and with all the dips, spurs and angles of the Dread Nought, Kangaroo Spiral Creek, Antelope, Little, Cat Skills Mesa, about eight miles from the mines on the Cuchillo Negro mountains, and that said plaintiffs recover of the said defendants one cent

nominal damages, and herein continueth, to which ex-
ception is noted in the lower Court and in this Court
to be heard, and that there a writ of possession
may execution thereof. And it appearing to the Court
that Thomas Murphy, Don Cameron and Joseph
Bennet are sureties on the appeal bond herein, It
is further considered and adjudged by the Court
that said plaintiffs recover of said Thomas Mur-
phy, Don Cameron and Joseph Bennet onexcept damages
and their costs as aforesaid and that they have
execution therefor.

376 United States of America, Plff in Error
vs.
The Maxwell Land Grant Company,
Deft in Error
} Error to First District.

This cause having been argued by counsel and
submitted to and taken under advisement by the
Court at a former day of this term and the Court
now being sufficiently advised in the premises,
announced its decision by Associate Justice Hen-
derson, affirming the decree of the lower Court,
for reasons stated in the opinion on file, Chief
Justice Long and Associate Justice Brinker con-
curring; It is therefore ordered adjudged and
decreed by the Court that the decree in this
cause of the District Court of the First Judicial
District of this Territory be and the same is
hereby affirmed and that in accordance there-
with, the bill of complaint in this cause
be and the same hereby is, dismissed and that
said plaintiffs in error pay the costs of this
suit, as well in the lower Court as in this
Court.

Western Union Telegraph Company
Plff in Error
vs.
378 Robert H Longwill, Deft in Error
} Error to Santa Fe County

This cause again coming on to be heard
upon the transcript of record, brief and ar-
gument of counsel filed herein, no further
argument being requested by Mr Sloan for defendant in error and
by Mr Olney for plaintiff in error and the
matter being submitted to the Court and the Court now being

Twenty First Day. Wednesday January 5th A. D. 1887

sufficiently advised of the premises, takes the same under advisement.

Edward J. Fancher et al. vs. New Mexico Mining Company et al. } Error to Santa Fe County

3711

This cause coming on to be heard upon the transcript of record, the assignment of errors and briefs filed herein, is argued by Mr. Downs in behalf of said plaintiffs in error, and by Mr. Thornton and Mr. Bartlett in behalf of defendants in error and submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement.

On motion of D. M. Read, It is ordered that D. M. Read Esq. a member of the bar of the First Judicial District of this Territory be and he is hereby admitted to practice as an attorney, solicitor and counellor of this Court, and he thereupon appears in open Court and is duly sworn and subscribes the roll of attorneys.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Twenty Second Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

374 Edward T. Jarish et al Plffs in Error
vs.
New Mexico Mining Company. Defts in Error
} Error to 3rd Dist. Court 1st Dist.

The motion of said defendants to quash said writ of error having been submitted to & taken under advisement by the Court at a former day of the present term by the Court being now sufficiently advised in the premises, denies said motion for reasons stated in the opinion on file by Associate Justice Brinker, all the members of the Court concurring; It is therefore ordered by the Court that said motion be & the same is hereby denied.

375 John D. Lamy et al Plffs in Error
vs.
Thomas D. Catron et al. Defts in Error
} Error to Santa Fe County

The motion of said defendants in error to quash said writ of error having been submitted to & taken under advisement by the Court at a former day of the present term & the Court being now sufficiently advised in the premises, announces its decision, denying said motion; It is therefore ordered by the Court that said motion be and is hereby denied,

370 William Berry, Plff in Error
vs.
Guadalupe Thompson, Deft in Error
} Error to 3rd Jud. Dist. County.

The motion of said defendants in error to affirm the judgment of the lower Court having been submitted to & taken under advisement by the Court at a former day of this term by the Court, & the Court being now sufficiently advised, denies the same; It is therefore ordered by the Court that said motion be & is hereby denied.

Day Monday January 21st A.D. 1918.

The United States of America.

vs. No. 1 Appeal from District Court

The Mineral Land Export Company

Now on this day this cause coming on to be heard upon the motion of Appellee to dismiss appeal for want of prosecution and the Court being fully advised in the premises doth overrule said motion.

Eulo F. Clark, No. 2 Appeal from

vs. District Court

H. Carrick Ed.

It appearing to the Court that the appellant has failed to file a transcript of the record herein within the time required by law and the rules of this Court, and no good cause being shown for such failure, it is ordered that the appeal herein be and the same is hereby dismissed at the cost of appellant.

The Territory of New Mexico No. 3 Appeal from

vs. District Court

Otis A. Cromley et al. Appellants

Now comes said plaintiff by her Assistant Attorney General and moves the Court to dismiss the said appeal for reasons stated in the motion and accompanying affidavits on file, which said motion being argued by counsel and submitted to the Court, the Court takes the same under advisement

Thos. D. Sarry et al. Plff in Error vs. Error to Dona Ana County

Thomas D. Catron et al Defts in Error

This cause coming on to be heard upon the transcript of record, Assignment of Errors, Briefs and supplemental briefs filed herein is argued by Mr. Burns in behalf of said plaintiffs in error and by Mr. Thornton for said defendants in error and submitted to the Court by the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Twenty Third Day

Court meets pursuant its adjournment

Present as upon yesterday.

376 The United States of America, Plff in Error, vs. The Maxwell Land Grant Company, Deft in Error. } Error to First District

Now comes said plaintiff in error by the United States Attorney and moves the Court to allow an appeal from the decree of this Court to the Supreme Court of the United States for reasons stated in the motion on file and it appearing to the Court from the affidavit of value thereto filed herein that the matter in dispute herein is of more than the value of five thousand dollars exclusive of costs, the Court grants said motion: It is therefore ordered by the Court that said plaintiff in error be and he hereby is granted an appeal from the decree in this cause of this Court to the Supreme Court of the United States. and thereupon the Court certifies a statement of facts as required by law.

384 The Territory of New Mexico, Appellee, vs. Patrick Carmody, Appellant. } Appeal from District Court

The motion of said appellee to dismiss the appeal herein having been argued by counsel and submitted to and taken under advisement by the Court at a former day of this term, the Court, being now sufficiently advised in the premises, said defendant and appellant not having appeared at the present to prosecute himself in judgment, grants said motion. It is therefore ordered by the Court that the said appeal be and the same is hereby dismissed.

Thirty-third Day. Friday, February First ..... A. D. 1889.

Whereas Romulo Martinez, United States Marshal, has rendered to this Court an account of his disbursements for pay of bailiffs, etc. incurred at the previous to the January term, 1889, of this U. S. Circuit Court, with the vouchers and items thereof, and in presence of Thomas Smith, U. S. Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed and that the disbursements charged have been made in lawful money: And whereas said charges appear to be just and according to law: It is hereby ordered that the said account, amounting to one hundred and eighty four dollars, be and the same is hereby approved.

Whereas Romulo Martinez, United States Marshal has rendered to the Court an account of his fees and expenses from the January term, 1889, to the first of February, 1889, with the vouchers and items thereof, and in presence of Thomas Smith, United States Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed, and that the expenses were necessarily incurred, and that he was actually in attendance at each day for which fees and charges are made by Court and sworn agent, by the Judges for transaction of business: And whereas said charges appear to be just and according to law; It is hereby ordered that the said account, amounting to two hundred and sixty dollars be and the same is hereby approved.

Whereas Thomas Smith, United States Attorney has rendered to the Court an account of his fees for services performed at the present term of this Court, with the items thereof, and has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated: And whereas said charges appear to be just and according to law: It is hereby ordered that said account, amounting to Two hundred and sixty dollars be and the same is hereby approved.

Thereupon Hon. H. Jaramillo, Chief Justice of the Supreme Court of the Territory of New Mexico, has rendered to this Court an account of his fees and services performed and expenses by him incurred in the premises in the case of the United States vs. Florencio Valgenneth, and it appearing to the Court from the U.S. Attorney, who prosecuted said case, that said services were necessarily performed as therein stated, and the charges therein made are actually and necessarily incurred and reasonable, and it appearing to the Court that said charges appear to be just and correct according to law; It is thereby ordered that said account, amounting to Four hundred dollars be and the same is hereby approved.

391 United States Appellee. } Appeal from
vs. } District Court,
Florencio Valgenneth, Appellant } Third District

Now comes said defendant and appellant and shows to the Court that his exception on the bond for appeal herein heretofore entered into by the United States Marshal and him and his sureties to said bond in the sum of five thousand dollars be and the same is hereby approved.

It is ordered by the Court that the following allowances be and hereby are made against the U.S. for witness fees, etc.

U.S. Jurors	Per Diem and Mileage	98.80
U.S. Jurors	Per Diem and Mileage	70.25
U.S. Jurors	Per Diem and Mileage	28.00
U.S. Jurors	" " mileage Pedro Lucero & Salome	92.00
U.S. Jurors	" " 23 days attendance	11.55
Jacob Weltmer	" Stationery for Clerk's office	17.50
Francisco Chaves Sheriff	" services of Court & Jury 1899 term	17.50
Francisco Chaves	" Rent & lights for Court at present term	16.30
New Mexican Printing Co.	For Printing Calendars for August & present term & letterheads	63.99
Cesar Lopez		60.00
U.S. Jurors	For 6 days " Stenographer	

Robert M. Force having this day tendered his resignation as Sheriff of this County, the same is now accepted, to take effect when his successor is appointed and qualified

Summers Burkhart is now appointed Clerk of the Supreme Court of the Territory of New Mexico, and it is ordered that the give bond in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties as such Clerk, to be approved by the Chief Justice and spread upon the record of this Court

It is ordered that the Court do now adjourn until Saturday, the second day of March. 1889

Elisha V. Long
Chief Justice
W. A. Vincent
Associate Justice
H. F. Henderson
Associate Justice
R. A. Reeves,
Associate Justice

Know all men by these presents that we, Summers Burkhart as principal and Francis Clancy and Napoleon D. Laughlin as sureties are held and firmly bound unto the United States of America in the penal sum of five thousand dollars, lawful money of the United States of America for the payment of which well and truly to be made we bind ourselves, our heirs, administrators and assigns firmly by these presents. In witness whereof, we have hereunto set our hands and seals this first day of February. 1889.

The condition of the above obligation is such that whereas the said Summers Burkhart was by the Supreme Court of the Territory of New Mexico in open session of said Court duly appointed by the Judges of said Court Clerk of the Supreme Court of the Territory of New Mexico by an order of said Court entered of record in Record page 93 of said Court on the first day of Febru-

ary, 1889, to from and during the said office of Clerk, with the rights, privileges and emoluments thereunto belonging and appertaining as permitted by the law giving him said appointment;

Now, if the said Simmons Burkhart shall faithfully discharge the duties of said office and Reasonably record the decrees, judgments and determinations of said Supreme Court and properly account for all moneys coming into his hands in such Clerk, as required by law, then this obligation to be void, otherwise to remain in full force and effect.

Simmons Burkhart (Seal)
Frank L.O. Clancy (Seal)
Napoleon B. Laughlin (Seal)

Territory of New Mexico }
County of Santa Fe }

Frank L. Clancy and Napoleon B. Laughlin being duly sworn each for himself says that he is a resident of the County of Santa Fe in the Territory of New Mexico; that he is an owner in holder of real estate in said Territory, and that he is worth the sum of four thousand dollars, at least, in property liable to be taken and sold on execution in said Territory, over and above his just debts and liabilities and the amount by law exempt from execution.

Frank L.O. Clancy
Napoleon B. Laughlin

Subscribed and sworn to before me this first day of February 1889.

Elisha V. Long
Chief Justice of the Supreme Court of New Mexico

The foregoing bond is taken and approved by me as the Chief Justice of the Supreme Court of the Territory of New Mexico this first day of February, 1889, and the same is ordered spread of record on the records of said Court, according to the statute in such case made and provided.

Given under my hand at Santa Fe the day and year last above written.

Elisha V. Long
Chief Justice of the Supreme Court of New Mexico

Day A. D. 18

Territory of New Mexico }
County of Santa Fe } ss.

I Summers Burkhart having been appointed Clerk of the Supreme Court of the Territory of New Mexico, do solemnly swear that I will truly, faithfully enter record all orders, decrees, judgments and proceedings of the said Court and that I will faithfully and impartially discharge and perform all the duties of my said office according to the best of my abilities and understanding So help me God.

Summers Burkhart

Court meets pursuant to adjournment

Present as upon February First except Ram. Torres Esq. and also Summers Burkhart Clerk of said Supreme Court

The record of February First, the twenty third day of the term, is read and approved.

384 Territory of New Mexico
vs.
Patricio Carmody et al } Appeal from 3d Judicial District.

On motion of said plaintiff, It is ordered that the Clerk of the District Court within and for Bernalillo County be and he is hereby directed to issue execution against said defendants for all the costs in this cause, both in said County and in this Court, and that the Clerk of this Court be and is hereby directed to certify to said District Clerk the order claiming said appeal and this order

John D. Tarlina, Plff in Error
vs
August Trorlichstal, Deft in Error } Error to District Court in Bernalillo County.

Now comes said plaintiff in Error and by leave of the Court files his petition for rehearing herein.

378 The Western Union Telegraph Company Plaintiff in Error
vs.
Robert H Longwill Defendant in Error } Error to District Court Santa Fe County.

This cause having been heretofore submitted to and taken under advisement by the Court and the Court being now sufficiently advised in the premises, Chief Justice Henderson, delivers the judgment of the Court. Chief Justice Long and Associate Justice Bristol concur. Associate Justice Reed not sitting, Defendant in error to recover of plaintiff in error the sum of fifteen hundred dollars and costs of this Court, and that execution

aff

affirmed.

And thereupon said defendant in error by his attorney files his remittitur of one hundred dollars and pays the costs of this Court as taxed.

It is therefore considered and adjudged by the Court that said judgment of the District Court of the County of Santa Fe in this cause with the above modification be and the same hereby is affirmed and that said defendant in error recover of said plaintiff in Error. The Western Union Telegraph Company the sum of four hundred dollars. that being the amount of said judgment less the one hundred dollars remitted as aforesaid. with interest thereon at the rate of sixper cent per annum from September 1st 1888. together with his costs in said District Court expended. as taxed and that execution issue therefor. and it is further considered and adjudged by the Court that said defendant in error pay the costs of this Court as taxed.

3744 Edward J. Farish et al. Plffs in Error
vs.
The New Mexico Mining Company. Dft in Error
} Error to District Court Santa Fe County

This cause having been argued by counsel and submitted to and taken under adviskement by the Court at a former day and the Court being now sufficiently advised in the premises. announces its decision by Associate Justice Henderson, affirming the decree of the Court below for reasons stated in the opinion now filed Chief Justice Long and Associate Justice Brinker concurring: It is therefore ordered, adjudged and decreed that the decree of the District Court in and for (Santa Fe County in this cause) be and the same is hereby affirmed and that in accordance therewith, said bill of complaint be and hereby is dismissed and that said defendants in error recover of said plaintiffs in error, their costs in this behalf expended to be taxed and that execution issued thereon.

3771 Charles M. Lewis Appellee
vs.
Lucian B Prince et al. Admrs &c.
} Appeal from District Court Santa Fe County.

This cause having been argued by counsel on written briefs on file and duly considered by the Court, and the Court being sufficiently advised in the premises announces its decision by Associate Justice Henderson affirming the judgment of the Lower Court, for reasons stated in his opinion on file, Chief Justice Long and Associate Justice Bainker concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court in and for Santa Fe County be and the same is hereby affirmed and that in accordance therewith, said plaintiff and appellee Charles A. Lewis recover of is entitled to be allowed his claim against Lucero Baca and Ramon Padilla, as administrators of the goods, chattels and effects of Joseph Lackey, deceased, to the extent and in the sum of four thousand eight hundred and seventy four dollars and fifty cents with interest thereon at the rate of six per cent per annum from March 20, 1888. and that in the said sum is hereby allowed, and that the said administrators ordered and directed to pay the same, as well as the costs of these proceedings to be taxed out of the effects and moneys of the said estate of said Joseph Lackey. And It is further considered, ordered adjudged and decreed that said Charles A. Lewis recover of said defendants, administrators as aforesaid, his costs in this behalf expended to be taxed as well in the Lower Court as in this Court.

On motion of Henry L. Waldo Esq. It is ordered that Henry Lotryan Esq. a member of the bar of the Fourth Judicial District Court of this Territory be, and he hereby is admitted to practice as an attorney, solicitor, counsellor of this Court and he thereupon appearing in open Court, is duly sworn according to the rules of this Court and subscribes the roll of Attorneys.

It appearing to the Court that the Legislative Assembly of the Territory of New Mexico, at the Session thereof which terminated on the 21st day of February A. D. 1889, passed an act in terms as follows:

Twenty Fourth Day Saturday March Second A. D. 1889.

"An Act to fix the time of holding the District Courts.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section One: The Terms of the District Courts shall be held in the several Counties of this Territory, beginning at the times hereinafter fixed and continuing until adjourned by order of the Court:

In the County of Santa Fe on the First Monday in February and last Monday in July.

In the County of San Juan on the second Monday of March and the first Monday in September

In the County of Rio Arriba on the third Monday in March and the second Monday in September. In the County of Taos on the second Monday after the third Monday in March and on the fourth Monday in September: in the County of Bernalillo on the second Mondays in May and November: in the County of Valencia on the first Mondays in April and October: in the County of Socorro, on the third Monday in April and October: in the County of Dona Ana on the second Mondays in March and September in the County of Lincoln on the third Mondays in April and October: in the County of Sierra on the first Mondays in May and November: in the County of Grant on the third Mondays in February and August: in the County of Colfax, on the second Mondays in March and September: in the County of Mora, on the first Mondays of April and October: and in the County of San Miguel on the third Mondays of April and October."

It is therefore ordered that terms of the District Court of the said Territory for the First Judicial District thereof be held in the County of Santa Fe, one commencing on the first Monday of February of each year and to continue until the second Monday of March of such year and one commencing in said County of Santa Fe on the last Monday of July of each year and continuing until the first Monday in September in each year: that terms of said Court for the Second Judicial District be held in the County of Bernalillo, one com-

morning and

March and Term Commencing on the Second Monday of July of each year and continuing until the first Monday in September of each year; And Terms of said Court for the Second Judicial District to be held in the County of Lincoln Commencing on the Second Monday of March of each year and continuing Seven weeks And one Commencing on the Second Monday of November of each year and continuing Seven weeks; And Terms of Court for the Fourth Judicial District to be held in the County of Dixon Commencing on the third Monday in April of each year and continuing Seven weeks And one Commencing on the third Monday of October of each year and continuing Seven weeks.

And be it further enacted that all terms herein provided for the Judge presiding in such Court may adjourn the same at any time in his discretion whenever he believes the public interest requires such adjournment.

And be it further enacted that all orders heretofore made by the Governor and Council and all orders hereafter made by any of the provisions of this act, are hereby declared void and of no effect unless made by the Governor and Council or the Governor with the consent of a majority of the Council at a regular session of the Council, or at a special session thereof called for the purpose of making such appointment, and all commissions issued contrary to the provisions of this act shall be void and of no effect.

Passed

C. H. Gere Speaker of the House of Representatives

Geo. H. Thummel President of the Council

Approved March 2nd 1889

John M. Thayer

Governor

Supreme Court of said Territory, this second day of March, A. D. 1897.

Present: Hon. Joshua D. Long, Chief Justice.
Hon. Wm. H. Bowman, Associate Justice.
Hon. Wm. F. Henderson, Associate Justice.
H. A. Reeves, Associate Justice.

The petitions of certain citizens of San Juan County for the holding of the District Court at Farmington vacated and set aside, and other petitions in opposition to the change having been presented to the Court, the Court declines to act in the matter.

John R. Cordova, Plaintiff in Error,
vs.
Manuel Abeyta, Defendant in Error.

The said plaintiff in error having presented to the Court his petition for a writ of error to the Supreme Court of the United States, and thereupon the Court, upon hearing duly advised, makes said motion, and directs that the Court settle a statement of facts, to be signed by the Court within fifteen days from this date, and that the Clerk of this Court make up a transcript of the record in said cause, and transmit the same to the Supreme Court of the United States, in accordance with the law in such case made and provided.

374

Manuel Abeyta, Plaintiff in Error,
vs.
Juan Cordova et al., Defendants in Error.

And now comes the said plaintiff in error by his attorneys, Thomas Burns and Wm. H. Pickett, and files his motion herein, and moves the Court to make a statement of facts as required by the laws of the United States, to be made and filed by the said plaintiff in error on an appeal to the Supreme Court of the United States, from the decision of this Court heretofore rendered herein, and thereupon the Court, upon hearing duly advised, makes said motion, and directs that the Clerk of this Court make up a transcript of the record in said cause, and transmit the same to the Supreme Court of the United States, in accordance with the law in such case made and provided.

376

Manuel Abeyta, Plaintiff in Error,
vs.
Juan Cordova et al., Defendants in Error.

And now comes the said plaintiff in error by his attorneys, Thomas Burns and Wm. H. Pickett, and files his motion herein, and moves the Court to make a statement of facts as required by the laws of the United States, to be made and filed by the said plaintiff in error on an appeal to the Supreme Court of the United States, from the decision of this Court heretofore rendered herein, and thereupon the Court, upon hearing duly advised, makes said motion, and directs that the Clerk of this Court make up a transcript of the record in said cause, and transmit the same to the Supreme Court of the United States, in accordance with the law in such case made and provided.

Regis corbin Clerk file. Brief for Appellee

Henry Dold & Advance. Appellant } Appeal from
vs. } District Court.
Anna Shouse Admrx. Appellee } San Miguel County

Now comes said appellee and by her attorney M. Fiske presents to the Court her transcript of record herein and moves the Court to docket the cause and to open the said record and examine, dispose of and determine upon the same under the provisions of section 1970 of the Compiled Laws of New Mexico, and thereupon the Court after examination of said record affirms the judgment of the Court below: Interest against the sureties on the appeal bond herein except for costs: It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of San Miguel County be and is hereby affirmed and that in accordance therewith the appeal from the Probate Court of said County be and the same is hereby dismissed and the cause remanded to said Probate Court with directions to proceed therein the same as though no appeal had been taken and that a writ of procedendo issue. And appearing to the Court that M. S. Otero and Lorenzo Lopez are sureties on the appeal bond herein: It is further considered and adjudged by the Court that said Anna Shouse Admrx recover of said Henry Dold Admr and said M. S. Otero and Lorenzo Lopez her costs in this behalf expended to be taxed and that she have execution therefor.

Whereas Summers Burkhart Clerk of this Court has rendered in this cause an account of his fees for services performed at the present term and has proved and made it to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated and that the charges appear to be just and reasonable:

It is ordered that said account amounting to Twenty six dollars and forty cents be and the same is hereby approved.

It is ordered that all causes, motions, orders, rules and other business not otherwise disposed of, be and hereby are continued until the next term of Court.

It is ordered that the following attorneys

Day A. D. 18

be Commenced hereby made, & ordered,

Commons Burkhead Clerk. 1 days attendance 4.00
Commons Burkhead Clerk, Recording opinions filed today 85 fol. 8.50
Commons Burkhead " Copies of order of reversing terms &c.
to send to Clerks &c. (Charged vol 5) 2.00

It is ordered that the Court do now adjourn sine die

Elisha P Long
Chief Justice.
R. A. Reeves,
Associate Justice
Wm H Brinton
Associate Justice
W. F. Henderson
Associate Justice

Day A. D. 18

of record nunc pro tunc as of the regular January. 1889. Term of this Court. which is accordingly done.

Elisha V Long
Chief Justice
Supreme Court
Territory of New Mexico

In the Supreme Court Territory of New Mexico. In vacation. April 2nd 1889.

279 Lyons & Campbell Appellants
vs.
James M. Woods. Sheriff &c. et al. Appellees
} Appeal from Grant County

This cause having been submitted to the Court at the January Term. 1888. and taken under advisement by the Court being now sufficiently advised in the premises, two of the judges do file their judgment in writing affirming the judgment of the lower Court for reasons stated in the opinion of Chief Justice Long now filed. Associate Justice Brinker dissenting in an opinion also now filed: It is therefore ordered, adjudged and decreed by the Court that the decree in this cause by the District Court in and for Grant County in this cause came into this Court, be and the same hereby is affirmed and that in accordance therewith, said bill of complaint be and the same hereby is dismissed and that said complainants pay the costs of this suit as well in the lower Court, as in this Court, to be taxed and that execution issue therefor;

It is further ordered, that this judgment be entered of record nunc pro tunc as of the January, 1888. Term. which is accordingly done.

Day 1 [illegible] A. D. 18[illegible]

(Appointment of the Hon. William H. Whiteman, Associate Justice of the Supreme Court of the Territory of New Mexico

Benjamin Harrison
President of the United States of America
To all to whom these Presents shall come, Greeting:
Know Ye, that reposing special trust and confidence in the Wisdom, Uprightness and Learning of William H. Whiteman of New Mexico, I do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the said United States, and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining unto Him the said William H. Whiteman, until the end of the next session of the Senate of the United States and no longer, subject to the conditions prescribed by laws.
In testimony whereof, I have caused these Letters to be made Patent, and the Seal of the Department of Justice to be hereunto affixed.
Given under my hand at the City of [illegible] (Seal.) this 1st day of April in the year of our Lord one thousand eight hundred and ninety and of the Independence of the United States the one hundred and fourteenth.

By the President:
W. H. H. Miller
Attorney General.

The United States of America
The Territory of New Mexico } ss.
I, William H. Whiteman, do solemnly swear that I will support the Constitution of the United States; that I will bear true allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of New Mexico according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States. So help me God.

Subscribed and sworn to before me this 1st day of April A. D. 1890.
[illegible]
Clerk of the Supreme Court.

person, authority or Constitution within the United States hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

[illegible]

Subscribed and sworn to before me this 2nd day of April, 1889.

[illegible]

Associate Justice of the Supreme Court of the Territory of New Mexico

Territory of New Mexico }
Office of the Secretary }

I do hereby certify that the within commission and the above oath of office have this day been recorded in this office.

Witness my hand and seal of office this 3rd day of April, 1889

[illegible]

Secretary of New Mexico.

In the Supreme Court of the Territory of New Mexico. April 26. 1859.

Application for Alternatis Writ of Mandamus made before the Chief Justice of the said Court in vacation

Territory of New Mexico
ex rel. Pedro Perea.
vs.
William F. Prinker Judge
of the District Court of Bernalillo County

Upon reading the Petition of Pedro Perea, filed herein, after hearing his solicitor thereon, It is ordered, That a rule be entered hereby made that the Honorable William F. Prinker Judge of the District Court for the County of Bernalillo show cause before the Supreme Court of the Territory of New Mexico on the first day of its next session to be begun and held at the City of Santa Fe in the first Monday of January A. D. 1860 why a mandamus should not issue as prayed in said petition, if any cause exist to the contrary thereof, and why the peremptory writ of mandamus should not issue as prayed in said petition, if any cause exist to the contrary thereof, and why the rule to show cause to be issued upon an affidavit set forth in the petition and filed herein, notice of the said motion should not be made absolute: Ordered, that the said rule to show cause be made returnable on Thursday, the 2d day of February A. D. 1860 at the Court House in the City of Santa Fe at 10 o'clock A. M. of said day, and that service of a copy of this order, together with the said petition and affidavit thereto annexed, upon the said William F. Prinker Judge as aforesaid, at least ten days before the return day of the said rule to show cause, be sufficient service thereof, and that the said William F. Prinker Judge as aforesaid do then and there show cause if any he have why a peremptory writ of mandamus should not issue as prayed in the said petition, and why the said rule to show cause should not be made absolute

Day ____ A. D. 18____

[illegible] to furnish a certified copy of this order.

Chas. H. Long
Chief Executive,

In the [illegible] Court, Territory of New Mexico.

Territory of New Mexico
ex rel. Pedro Perea
vs. No.
H. H. Brinker. } Mandamus.

Upon the filing of Chas. H. Long Chief Justice of Las Vegas, In Vacation.

On the 1st day of April, A.D. 1859, upon the petition of the relator, having granted a rule upon the respondent, Wm H. Brinker to show cause why the terms of said order; the same was granted without notice to the respondent, upon an emergency set forth in said petition, which rule further provided said order that said relator should be heard on the 1st day of May 1859, be heard on a motion to set aside and vacate the order granting the said rule and also to vacate the said rule, so that on the 2nd day of May aforesaid, comes the said respondent, by his attorney Benedict Fiske and the relator by his attorney Thomas J. Patton and the respondent moved to vacate and set aside the order made on the 6th day of April, A.D. 1859, allowing the writ of said respondent to show cause, and also to vacate the said rule upon said motion the relator by said respondent, in writing was filed which said motion and writing was argued by counsel for both parties, and the Court having duly considered the premises, and being duly advised in the

matter in [illegible] said motion presented:
It is found, ordered and adjudged that the
said petitioner failing to show in his petition
that he presented his bill of exceptions to the
said respondent "within twenty days before the
first day of the term of the Supreme Court" in
which the cause wherein said bill was pre-
sented, was docketed, he the said petitioner,
is not entitled to the rule heretofore issued
and accordingly the said rule heretofore is-
sued to issue is now hereby set aside and
fully vacated and the order allowing the same
is also set aside and vacated, to all of which
the petitioner objects and excepts: And it is fur-
ther ordered that the Clerk of the Fourth
District Court forthwith forward to the
Clerk of the Supreme Court the original or-
der and all the papers presented in connec-
ected with this application as a part of
the files of the Supreme Court.

Elisha D. Long
Chief Justice

In Las Vegas May 24. 1889

Present:

The Honorable Elisha D. Long, Chief Justice &c.

Edward J. Fasick, Benj. M. Read
Larkin G. Read, Alexander Read, Jr.
Desto Ortiz, Teodora Ortiz de Mar-
tinez, Ignacio Martinez, Plffs in Error

vs. Chancery

New Mexico Mining Company and
Stephen B. Elkins

On reading and filing the motion of said plain-
tiffs in error for an appeal herein and the accom-
panying affidavit of value, by which it is shown
that the value of the property in controversy
herein, exclusive of costs is more than five thousand
dollars, It is ordered by the Court that said
plaintiffs in error be and they hereby are allowed
an appeal from the decree of this Court in this

cause to the Supreme Court of the United States of America. And it is further ordered that said plaintiffs in error furnish a bond for costs in the sum of five hundred dollars herein.

Dated May 24th A.D. 1859. Elisha T. Long
Chief Justice &c.

At Santa Fe. N.M. June 4. 1859.

It is the suggestion of the Associate Justices of the Supreme Court of the Territory of New Mexico that a session of said Court is appointed for Monday the 13th day of June, A.D. 1859, at the Supreme Court Room in the City of Santa Fe, said Territory, to make a re-assignment of Justices for the first and second Judicial districts thereof and such other business as may then need to be transacted. It is further ordered that a copy hereof be entered of record in said Supreme Court

Elisha T. Long
Chief Justice

At a session of the Supreme Court of the Territory of New Mexico begun and held at Santa Fe within and for the County of Santa Fe on the first Monday in January, in the year of our Lord one thousand eight hundred and seventy, the same being the third Monday in January A. D. 1870.

Present:

The Honorable Elisha V. Long, Chief Justice of the Territory of New Mexico.

The Honorable William H. Whiteman, Associate Justice of said Supreme Court.

The Honorable William Pope, Associate Justice of said Supreme Court.

The Honorable John R. McFie, Associate Justice of said Supreme Court.

Edward F. Wells, Esq. Solicitor General of said Territory.

Thomas Romero, Esq. U. S. Marshal of said Territory and

Solomon Burkhart, Clerk of said Supreme Court.

Charles E. Blevins, Plaintiff in Error

vs.

Las Vegas Mining Company et al. Defts in Error

} Error to 1st Judicial District Court, San Miguel County

By agreement of said parties by their respective solicitors, It is ordered that said plaintiff in error be and he is hereby given leave to file the record, any assignment of errors herein at any time during the present term.

William H. Kelly Jr. Appellee

vs.

Board of Commissioners of Santa Fe County. Appellant

} Appeal from Santa Fe County.

Now comes Mr. N. B. Field, and enters his appearance herein for said appellant.

Rafael Romero et al. Appellees

vs.

Romero Angela et al. Appellant

} Appeal from Bernalillo Co.

By agreement of said parties by their respective attorneys, It is ordered, that the time for said appellants to assign errors and file briefs herein be and is hereby extended till next Monday morning

Las Vegas Lumber Co. Plff in Error

vs.

Colorado National Bank, Deft in Error

} Error to Bernalillo County.

On motion of said plaintiff in Error, by his attorney Mr. Rumbell, It is ordered that the time for said

Plaintiff's motion to file his brief herein be and the same is hereby extended until January 15. 1890.

415 Albuquerque National Bank Appellant
vs.
Territory Appellee
Appeal from Bernalillo
On agreement of said parties by their respective attorneys. It is ordered that said appellant be and is hereby given until next Monday morning to assign errors and file briefs herein.

414 Lorenzo Hilderbrand, Executor, Appellant
vs.
Jesus Mes, Executor &c. Appellee
Appeal from Bernalillo
On agreement of said parties by their respective attorneys, it is ordered that the time for said appellant to assign errors and file briefs herein be and the same is hereby extended till the third Monday of this term.

406 Territory of New Mexico ex rel. Jeffries Treas. Error to
vs. Grant
Whitehill et al. County.
In accordance with the stipulations of said parties filed herein, it is ordered that this cause be and is continued until the next term of court and that the same condition of the bond remain.

413 [illegible] Appeal
vs. from District
[illegible] Court.
By agreement of said parties by their respective attorneys it is ordered that appearing for appellees. It is ordered that the time for said appellees to assign errors and file briefs herein be and the same is extended until the 21st day of January A.D. 1890. and for said appellees to file briefs until the third Monday of this term. And it is ordered that said appellees on their motion it is ordered that said appellees be and they are hereby granted thirty days from this date in which to file their bill of exceptions.

[illegible] Division [illegible]

It is ordered that said appellants for say are hereby given until the third Monday of this term on which to assign errors say file briefs herein.

4:16 Ezell Richard, et al. Appellees
vs.
The Solitaire Mining & Milling Com. pany. Appellant
} Appeal from Lincoln County

Now come said appellees by their attorney - McFerguson & ask for additional time in which to file their briefs herein.

B94 The Maxwell Land Grant Company Plaintiff in Error
vs.
Jacinto Santistevan. Deft. in Error
} Error to Las Vegas Co.

By agreement of said parties by their respective attorneys. It is ordered that said plaintiff in error have until next Monday in which to file its briefs herein & that said defendant in error have until ten days thereafter in which to file his briefs.

H04 Andres Sena et al. Plffs. in Error
vs.
Gross. Blackwell et al. Defts. in Error
} Error to San Miguel County.

It is ordered that said plaintiffs in error & they are hereby given two days from today in which to assign errors & file briefs herein.

4:17 H.T. Stephenson et al. Appellees
vs.
C. V. Mead Appellant
} Appeal from Sierra County

Now comes said appellant & files his written appearance & submission of this cause on the record herein.

It is ordered that Serapio Romero be and he is hereby appointed Crier to the Court & he thereupon appears in open Court & is duly sworn as such.

It is ordered that R. S. Ellis, Jose D. Sena & Miguel Romero be & they are hereby appointed Petit Jurors of this Court & they thereupon appear in open Court & are duly sworn as such.

... April Day Monday January 11th A. D. 1892

) ... Court ... Court ...
... ... Instead afternoon ... time ...

Second Day

... meets pursuant to adjournment

... on upon yesterday

The record of yesterday's proceedings is read and approved

It is ordered that the Court do now adjourn un-
til ... noon morning at ten oclock.

Third Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

3270 William Dent. Plaintiff in Error } Error to
vs. } Taos County
Guadalupe Thomson et al. Defts in Error }

This cause coming on to be heard upon the transcript of record, assignment of errors & briefs filed herein having been heretofore submitted to the Court in behalf of plaintiff in error on said record, assignment of errors & the briefs heretofore filed thereon & is now argued by Mr. Springer in behalf of said defendant in error & submitted to the Court & the Court not being sufficiently advised in the premises takes the same under advisement.

3272 E. W. L'Engle. Plff in Error } Error to
vs. } Santa Fe
Enos Andrews. Deft in Error } County

Now comes said plaintiff in error by his attorney Mr. Van der Veer & says to the Court here that he will not further prosecute his said writ of error but discontinue the same. It is therefore considered & adjudged by the Court that said writ be & the same is hereby dismissed & that said plaintiff in error pay the costs of this suit to be taxed & that Execution issue therefor.

3273 John D. Lamy et al. Plffs in Error } Error to
vs. } Santa Fe
Thomas D. Catron et al. Defts in Error } County

This cause coming on to be heard upon the transcript of record, assignment of errors & briefs heretofore filed herein, & submitted to the Court by said plaintiffs in error on their briefs filed herein & is argued by Mr. Catron on behalf of said defendants in error & submitted to the Court & the Court not being sufficiently advised in the premises takes the same under advisement.

1413 [illegible] Isabella [illegible] Jeffs Error } Error to
vs. } Bernalillo
[illegible] Geiger. Defts in Error } County

This cause coming on to be heard upon the motion of pltffs in error to dismiss writ of error herein, & is argued in behalf of said pltffs in error by Mr. Isabel, no one appearing for said deftes in error & submitted to the Court by the Court, not being sufficiently advised in the premises, takes the same under advisement.

2[illegible] Town of Albuquerque Pltff in Error } Error to
vs. } Bernalillo
Francisco Geiger. Deft in Error } County

This cause coming on to be heard upon the motion of pltff in error herein for the defendant in error for the purposes of this motion to dismiss said writ of error heretofore exhibited & now filed.

400 [illegible] Company. Pltff in Error } Error to
vs. } Bernalillo
[illegible]. Deft in Error } County

This cause coming on to be heard upon motion of pltff in error herein for said defendant in error for the purposes of this motion to dismiss said writ of error heretofore exhibited & now filed, & it is ordered by the Court that the time for said defendant in error to file brief herein be and the same is hereby extended until the third Monday of this term in which to file this brief herein.

[illegible] Delaney } Error to
vs. } Bernalillo
[illegible] Spiegelberg, Deft in Error } County

This cause coming on to be heard upon motion of said defendant in error for the purposes of this motion to dismiss said writ of error heretofore exhibited & now filed, & it is ordered by the Court that the time for said defendant in error to file brief herein be and the same is hereby extended until the third Monday of this term in which to file brief herein.

This 18 Day Wednesday January Eighth A. D. 1890

Geo. H. Pinchard, et al. Appellees
vs.
Solitaire Mining & Milling Company, Appellant
Appeal from Lincoln County.

1116

On motion of said appellees by their attorney Mr Ferguson. It is ordered that said Appellees be & they hereby are given until the third Monday of this term in which to file their briefs herein.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fourth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

August Kirchner, Appellee
vs.
Aaron N. Laughlin, Appellant
Appeal from Santa Fé County.

379

This cause coming on to be heard upon the transcript of record, the assignment of errors and briefs filed herein, is argued by Mr Preston in behalf of said appellant & by Mr Knaebel in behalf of said appellee & submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement

Vicente Sanchez, Appellant
vs.
Jesus Candelaria, Appellee
Appeal from Socorro County.

384

This cause coming on to be heard upon the transcript of record, the assignment of errors and briefs filed herein, is argued by Mr Reid in behalf of said appellant & submitted to the Court and the Court not being sufficiently advised in the premises takes the same under advisement.

Fourth Day Thursday January Ninth A. D. 1890

It is ordered that the court do now adjourn to tomorrow morning at ten oclock.

Fifth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

308 The State of Texas Appellee } Appeal from Sa-
vs } cora Co.
W W Suttle Appellant }

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein, is argued in behalf of said appellant by Mr Fields and in behalf of said appellee by Mr Carter and submitted to the Court and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten oclock.

Sixth Day January Eleventh A. D. 1892

Court Room

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved,

402 Maria Sabida Leblanc de Fragon
vs. Prohibition
Pedro Quintana, Justice of the Peace
and Perfecto Esquibel, Sheriff &c. &c.
Dis Trict County

Now comes the said petitioner by her attorney, and moves the Court to enter judgment against said defendants for the costs of this proceeding and it being shown to the Court by the affidavit of said petitioner that the said defendants have been served with the writ and it being further shown to the Court in the manner in which the service was made personally upon said defendant Pedro Quintana, but not upon said defendant Esquibel, who is considered by petitioner judged by the Court that said petitioner Maria Sabilita Leblanc de Fragon, recover of said defendant, Pedro Quintana, the costs of proceeding to be taxed including the costs of the service of said writ upon said Pedro Quintana which is hereby allowed to said Plaintiff and that she have execution therefor.

423 Ex Parte.
Joseph M. Coudert } Application for
} Citizenship

Now comes Joseph M. Coudert, an alien, and makes application to be admitted to become a citizen of the United States: and it being made to appear to the satisfaction of the Court that more than two years since the said Joseph M. Coudert declared on oath before the Clerk of the Fourth Judicial District Court of this Territory that it was bona fide his intention to become a citizen of the United States and to renounce and forever abjure all allegiance and fidelity to [illegible] foreign [illegible] potentate, state or sovereignty [illegible]

particularly of allegiance and fidelity to the Republic of France, of which he was a citizen. Was sworn & he made to appear to the satisfaction of the Court by the testimony sworn each of Friedrich Wagner & Joseph Ott, citizens of the United States, that the said Joseph M. Coudert has resided within the United States five years at least & in the Territory of New Mexico one year at least. That during that time he has behaved as a man of good moral character attached to the principles of the Constitution of the United States & well disposed to the good order & happiness of the same & that said Joseph M. Coudert in open Court on oath that he will support the Constitution of the United States & that he renounces & entirely renounces & abjures all allegiance & fidelity to any foreign prince potentate, states & sovereignty whatever & particularly to the Republic of France. It is ordered that said Joseph M. Coudert be & he is hereby admitted to become a citizen of the United States.

Court then adjourned until Monday morning at ten o'clock A.M.

Monday, Dec. 10

Court met pursuant to adjournment

Present as upon Saturday

The record of Saturday's proceedings is read & approved.

Charles D. Miller, Appellee } Appeal
vs. } from Dona
Dennis Ill. Evans et al. Appellants } Ana Co.

Now on this day this cause coming on to be heard & the parties appearing by their attorneys, Miller & Fielder & Thornton & Thornton & the Court having heard the

Tuesday Day Eleventh January A. D. 1890

425

Columbia Cattle Company, Appellant
vs.
Theodore Baca, et al. Appellees
} Appeal from Sierra County.

Now come said defendants & appellees by their attorney, Wm Newcomb, & present to the Court here a transcript of record in this cause, showing that an appeal was allowed to this Court to said appellants, & they move the Court to docket this cause & affirm the judgment of the lower Court for the reason that said appellant has failed to docket this cause & file a transcript of record with the Clerk of this Court at least ten days before the first day of this term to which said appeal was returnable, & the Court, being sufficiently advised in the premises, grants said motion: It is therefore considered & adjudged by the Court that the judgment in this cause of the District Court of Sierra County, in favor of this cause came with this appeal, be & the same hereby is affirmed & that in accordance therewith, this cause be dismissed & that said defendants, Theodore Baca, Thos. Gilbert recover of & from the plaintiff the Columbia Cattle Company their costs in this behalf expended, to be taxed & collected in the lower Court & in this Court, & that they have execution therefor: & it appearing to the Court that Wm B. Campbell & A. J. Richfield are sureties on the appeal bond herein: It is further considered & adjudged by the Court that said defendants recover against Wm B Campbell & A. J. Richfield their costs as aforesaid, & that they have execution therefor.

Now comes Reuben Michaelis, amicus curiae, & moves application to be admitted to be heard in behalf of the United States: & it appearing to the satisfaction of the Court that the said Reuben Michaelis declared, on oath, before the Court, that he is a practicing attorney of this Court & that he is duly admitted to practice in the Supreme Court of the United States: & it appearing to the Court that the said Reuben Michaelis has filed his application in writing to be admitted to be heard as amicus curiae herein, & that he has filed his brief herein, it is ordered that the said Reuben Michaelis be & he is hereby admitted to be heard as amicus curiae herein.

/ Day A. D. 18

Eighth Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved

The Committee of the Bar appointed on yesterday to prepare resolutions expressive of the feelings of the Court & Bar on the death of the late Associate Justice Warren Bristol, now present their resolutions through Samuel B. Axtell Esq Chairman, which said resolutions are read -

And after appropriate remarks by Messrs. S.B. Axtell, J.B. Catron, E.S. Newcomb, Thomas Smith Esq & Bartlett, It is ordered that duly certified copy of said resolutions be forwarded, by the Clerk, to the widow of the deceased, Associate Justice aforesaid, & that said resolutions be spread upon the record, which is accordingly done in words & figures following to wit:

It has been a time honored, custom of Courts on the death of a distinguished member of the Bar to take official notice of the fact:

It is resolved, that we have learned, with feelings of deep and sincere sorrow of the death of Hon. Warren Bristol, late an Associate Justice of this Court

Resolved: That as a slight tribute to his memory the Bench & Bar of the Supreme Court of New Mexico place upon the record of this expression of their grief for his death & their admiration for his many virtues.

Resolved, That we tender to his widow & relatives our sympathy & condolence in the bereavement they have sustained in the decease of their husband & relative.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this Court to the widow of the deceased.

S.B. Axtell
J.B. Watts
Thomas Smith
E.S. Newcomb

Court Day [illegible] A. D. 1870.

[illegible] the occasion of the death of Hon. Warren Bristol, late one of the Justices of this Court, and in order to place upon the records of the Court a memorial of the virtues of the deceased, it was ordered by the Court,

That the following be entered of record as the sentiments of the Bar:

The Bar of the County:

There is a time when the active business of life must be laid aside. Even we must pause for the performance of a solemn duty. There are moments when the brain-workers of the world, even who are more than men, the bench, even the bar, should rest from their labors and pay just tribute to their dead. Such an occasion is this. It was yesterday announced to the Court, even Bar, by Ex Chief Justice Axtell that the Hon. Warren Bristol, for about twelve years an Associate Justice of this Court, had, on the 12th day of January died at his home in Fairfield. This morning a committee of the Bar has presented requesting that they be entered of record appropriate resolutions commemorative of the virtues of our departed brother. Members of the Bar have spoken in terms of high appreciation both of Judge Bristol's works and his worth. Foremost and most earnest of those who have been heard is Judge Axtell, one of the surviving Associate Justices who present who has his associations, even as a Court, upon the Bench. He and Judge Bristol came here in the active discharge of official duty, struggling as the truest judge ever must do, to separate the worthless chaff from the pure grain, even accurately to establish judicial decision, upon each, solid foundations of right, precedent, even principle, and to challenge the respect of those learned in the law, even [illegible] public welfare, even command for the judicial department of which he was a distinguished member public confidence. That he did this duty, worthily and well, has been attested, not only by those judges who were his colleagues, but also by those who, differing from him, yet [illegible] even as a man, the worthy [illegible] public affairs, [illegible] even lead in [illegible] life, even to avoid [illegible]

[illegible] retirement he may proceed with that
dignity and purity of conduct which will render evil
even harmless at the time and in the end silence even
his enimies. So it was with the learned jurist who
for so many years was prominent in the judicial
history of this Territory. His daily life, his work was
an impregnable shield while on duty. His uprightness
of character and manly bearing after his life work on
the Bench had closed, reflects additional lustre upon
his judicial career and adorned his closing years. Words
which may be uttered here now however grateful
to the dear ones he has left to mourn his depart-
ure will lend but little to illustrate or add to
the brightness of his career. By his own energy and
ability he has established a written record which
will stand the test of time any criticism. In the
judicial opinions wrought out of his own thought
and research he has built for himself a monu-
ment which will not crumble resting as
it does for its foundation upon established prin-
ciples of justice and equity. When the decisions in
the Supreme Court of this Territory for seven years
to come shall be published, those formulated
by Warren C. Bristol the result as they are of weary
hours of toil, when his frail body suffered from
disease and his brain was overworked will stand
among the clearest and strongest and will be quoted
forth approval by judges learned in the law
long after those who worked with him and who
knew and respect him have gone to their final
rest. This record will ever speak in his praise
to the learned lawyers and judges yet to enter the pro-
fession when all of him, when reading his de-
cisions Judge Bristol was an able jurist.
Then how is one in which we may not only
appropriately express respect for the deceased,
but also look unto our own hearts and lives. And
to receive what of the future? Each one of us
respond by the same means may be at any mo-
ment, to the call which our brother has al-
ready answered. At such a moment, can we
truthfully say ready and well prepared? Have
we remembered the legal profession of that
in its primary duty? Have we given to its principal
[illegible] that approach any duty which at this day
[illegible] practice in our relations with

Eight. Day Tuesday January Term A. D. 18[illegible]

[illegible] brethren have responded to such has justly been the [illegible] of all true men entrusted in whatever way with the great work of the human profession. [illegible] while we pause to consider the career of one who by his life's work has honored this noble profession we feel it meet to renew our fidelity to that calling which has received such conspicuous illustration in the world's history. In every sentiment of respect which has been expressed both in the resolutions presented by us and in the remarks of the bar this Court fully concurs. Those of its members who knew Judge Bristol personally are especially and by the whole Bench feel that an able conscientious jurist has done his work well and left an example worthy of emulation. In what has been said I do not speak for myself alone but as well for the Associate Justices of this Court now present the resolution offered will be entered of record."

Whereupon the Court on motion of Thos Smith, directs the Committee heretofore appointed to select a Committee of eight to attend the funeral obsequies of the Hon Warren Bristol with direction to report such Committee to the Court on to-morrow morning.

369 Noah E. Walcott et al. Plffs in Error
vs.
E. M. Ashenfelter et al. Defts in Error
} Error to Grant County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein is argued, in behalf of said plaintiffs in error by Messrs. Tickell and Elliott and in behalf of said defendants in error by Mr. Beard and submitted to the Court by the Court not being sufficiently advised in the premises, takes the same under advisement.

371 William H. Newcomb et al. Plffs in Error
vs.
Leo. F. White et al. Defts in Error
} Error to Grant County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed thereon is argued, on behalf of said plaintiffs in error by Messrs. Tickell and Elliott and on behalf of said defendants in error by Mr. Beard and submitted to the

by the Court not being sufficiently advised in the premises takes the same under advisement.

Ex parte Gideon - Petitioner } Application for admission to Bar.

On motion of H. L. Pickett, Esq. it is ordered that Gideon C. Banta, Esq. a member of the Bar of the Third Judicial District Court of this Territory, be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court upon the usual terms, upon subscribing the official oath prescribed by law.

On motion of C. H. Cotton, Esq. it is ordered that Orrice L. Gross, a member of the Bar of the Second Judicial District Court of this Territory, be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court upon the usual terms, upon subscribing the official oath prescribed by law.

Albuquerque National Bank, Appellant } Appeal from
vs. } Bernalillo
Francisco Chaves, Appellee } County.

This cause coming on to be heard upon the motion of the appellee to dismiss the appeal herein for want of prosecution, and it appearing to the Court that

Ninth Day = Tuesday January fifteenth A. D. 1878

Ninth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

342 Elston D. Jarboe, Plff in Error
vs.
August Toerlicht et al. Defts in Error
} Error to Bernalillo County.

By agreement of said parties by their respective attorneys, this cause is submitted on the motion for rehearing heretofore filed herein without the filing of further briefs thereon.

202 Perfecto Armijo Exr et al. Appellees
vs.
Lorenzo Abeytia et al. Appellants
} Appeal from Bernalillo County.

419 Wm B Childers, Trustee, Appellant
vs.
John Orr, Executor, Appellee
} Appeal from Bernalillo Co.

By agreement of said parties by their respective attorneys. It is ordered that the foregoing two causes stand continued until the next term of Court.

413 Mitchell A. Minor et al. Appellants
vs.
E. Marshall Appellee
} Appeal from Sierra County.

Now come said parties by their respective attorneys the motion of said appellee to dismiss the said appeal heretofore filed herein is submitted to the Court without argument by the Court not being sufficiently advised in the premises takes the same under advisement.

417 Horace S. Stephenson, et al. Appellees
vs.
Charles N. Mead Appellant
} Appeal

Now come said appellees by their attorney Mr Newcomb and move the Court to dismiss the said appeal and affirm the judgment of the Court below for reasons stated in said motion on file and said motion being argued by Mr Newcomb and submitted

to the Court the Court not being sufficiently advised in the premises takes the same under advisement.

The Committee heretofore directed to select a Committee of eight to attend the funeral obsequies of Hon Marcus Mallett on Friday January 17, 1890, have reported to the Court that they have selected as such Committee Bradford Ervin Henry Shadle, O'Hanlon, Thos Smith S. J. Lee, & Newcomb Johnson Bailey & Thompson whereupon the Court appoints the persons above named a Committee to represent the Court and Bar at the funeral of the Hon. Marcus Mallett

298 Lyon Ind. Appellees vs Appeal from
Lyon Co. Nevada
Lyon Co. Company. Appellants County.

Cause coming on to be heard on appellees motion to dismiss appeal for want of assignment of errors duly filed, on behalf of said appellees and appellants having been argued by Mr. Horton for said appellees.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

The Court

Court now resumes its session pursuant to adjournment

present as upon yesterday

The record of yesterday's proceedings was read & approved.

298 Lyon Co. Appellees vs Appeal from
Lyon Co. Nevada
Lyon Co. Company Appellants County

Cause coming on to be heard on motion of appellees to dismiss appeal, & argument of counsel thereon had, & the same having been submitted to the Court for its consideration & decision

[illegible] Day Tuesday January Eleventh A. D. 18[illegible]

[illegible] Co. not being sufficiently advised in the premises takes the same under advisement.

368 David Abrahams, Appellee
vs.
The California Powder Co. Appellant
Appeal from Grant County

This cause coming on to be heard upon the transcript of record, assignment of errors, briefs filed herein, is argued in behalf of said appellant by Mr Knabel and in behalf of said appellee by Mr Bantz, and submitted to the Court and the Court, not being sufficiently advised in the premises, takes the same under advisement.

369 New Mexico Lumber Association, Appellee
vs.
Albert C Rupe et al. Appellants
Appeal from San Miguel Co

370 Peter Trambley et al. Appellees
vs.
George Luterman Appellant
Appeal from San Miguel County.

By agreement of said parties by their respective attorneys. It is ordered by the Court that both of the parties in each of the foregoing two causes have leave to file additional briefs, the said appellants within ninety days from today and the said appellees within sixty days thereafter, and that said causes stand continued until the next term of Court.

404 Andres Sena et al Plffs in Error
vs.
Gross, Blackwell & Co. Defts. in Error
Error to San Miguel County.

By agreement of said parties by their respective attorneys. It is ordered that said plaintiffs in error be and are hereby given ninety days from today in which to file briefs and assign additional errors herein and that said defendants in error have sixty days thereafter to file their briefs herein and that this cause stand continued until the next term of Court.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Thursday Day Friday January Term thereof A. D. 1840

Thursday

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

286 } E. W. Hobbs Appellee } Appeal from
vs. } Dorcha County
D. D. Dismukes & Appellants }

Agreement of said parties by their respective attorneys It is ordered that this cause stand over until the next term of court.

It is ordered that the Court do now adjourn until tomorrow morning at ten oclock

Friday

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved

2/3 } Wm. Segers Appellee } Appeal from
vs. } Dorcha County
Wm. H. Hall Appellant

This Cause having been argued on behalf of Appellant, & submitted to & taken under advisement by the Court at a former day of the present term & by the Court being now sufficiently advised, in the premises, announces its decision by Associate Justice Lee, reversing the judgment of the Circuit Court & remanding the cause for a new trial & directs a copy of the opinion filed, to be certified to the Court concerning It is ordered by the Court that the Appellee pay the costs of this Cause & that the Appellant have execution therefor & this Cause came on to be heard by the Court & thereupon it is ordered

Twelfth Day Tuesday January Thirteenth A. D. 1880

1 Sett

reside in this cause remanded to said Court with directions to grant a new trial therein: And it is further considered and adjudged by the Court that said appellant recover of said appellee his costs in this behalf expended to be taxed and that he have execution therefor.

279 Miguel Kirchner, Appellee
vs.
Aaron M. Laughlin, Appellant
Appeal from Dist. Ct. Santa Fe County.

This cause having been argued by counsel and submitted to and taken under advisement at a former day of the present term, and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Whiteman, reversing the judgment of the Court below and remanding this cause to that Court for a new trial, for reasons stated in the opinion on file all the members of the Court concurring: It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Santa Fe County, whence this cause came into this Court be and the same hereby is reversed and set aside, and this cause remanded to said Court with directions to grant a new trial therein: And it is further considered and adjudged by the Court that said appellant recover of said Appellee his costs in his behalf in this Court expended to be taxed and that he have execution therefor.

2 1/2 United States, Appellees
vs.
Frank R. Duncan et al. Appellants
Appeal from 3rd Judicial District

On motion of said appellants by their attorney. Mr Elliot, It is ordered that said appellants have until the end of the present term to assign errors herein and also ninety days from to day to file their briefs herein, and that this cause stand continued until the next term of Court.

It is ordered that the Court do now adjourn until 10 o'clock Monday morning at ten o'clock

Thirteenth Day

Court met pursuant to adjournment

Present as upon Saturday, except the Hon. John R. McKee.

Record of Saturday's proceedings is read & approved.

No. 1 Pomeroy et al. Appellees } Appeals from Lincoln Co.
vs. No. 2.
The Prairie Mining & Milling Co. Appellant.

On motion of Col. Pickard Esq. It is ordered that appellees have ninety days from today in which to prepare & file briefs herein.

It is ordered that the Court do now adjourn until ten o'clock tomorrow morning at ten o'clock.

Fourteenth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

No. 2 Prairie Mining & Milling Company appellant } Appeal from Lincoln County,
vs.
James M. Cafferata et al. Appellees

Now come said defendants by their attorney, and move the Court to docket this cause & affirm the judgment of the Court below for the reason that said plaintiff has failed to file in the office of the Clerk of this Court a perfect transcript of the record & proceedings of the lower Court ten days before the first day of this term to which said appeal was made returnable, as the defendants by a petition in error & motion to dismiss filed herein on the [illegible] pray for an order of affirmance of said [illegible]

Fourteenth Day: Tuesday, January Seventy First A. D. 18 7C

"by the Court being sufficiently advised on the premises grants said motion: It is therefore ordered by the Court that this cause be docketed "by" It is Considered and adjudged by the Court that the judgment of the District Court of Lincoln County, wherein this cause came into this Court, be, and the same is: is affirmed, and that in accordance therewith said defendants and appellees, James M. Sigafus, W. Godfrey Hunter, J. Everett Bird, & Marion Bird and Augusta B. A. Sigafus, are the owners and entitled to the possession of the following real estate in Lincoln County and Territory of New Mexico, and described as follows to wit:

"A septangular piece of ground, of said Solitaire Lode Mining Claim having an area of seven and twenty eight thousand, eight hundred, and seventy seven one hundred thousandths 7. 28877 = 100000 acres of ground and which said parcel of ground is in conflict between said mining claims and the said surveys thereof is more particularly described by metes and bounds as follows. to wit:

"Beginning at a point on the 1/2 line of said Survey No. 623, A.S. 15°28' W. 12.89.24 feet from Corner No. one where said line intersects the 1/2 line of said survey No. 621. at N. 17° W. 178.16 feet from corner No. 1 thereof. Thence S. 12° 28' W. along said 1/2 line of survey No 623. A. 206.28 feet to intersection with 4-1 line of Survey No. 621. Thence S. 72° 10' E. along said 4-1 line of said survey No. 621 9.09 feet to intersection with 2-3 line of survey No. 623. A. Thence N. 78° 21' W. along said 2-3 line of said survey No. 623. A. 557.69 feet to intersection with 3-4 line of survey No. 621. Thence N. 17° W. along said 3-4 line of survey No. 62. 70.05 feet to intersection with 3-4 line of said survey No. 623 A. Thence N. 12° 28' E. along said 3-4 line of survey No. 623. A. 440.44 feet to intersection with 2-3 line of survey No. 621. Thence N. 72° 10' E. along said 2-3 line of survey No. 621. 383.32 feet to corner No. 2 thereof. Thence S. 17° E. along 1-2 line of said survey No. 621. 546.84 feet to intersection with 1-2 line of said survey No. 623. A. the place of beginning, containing an area of 7.28877 - 100000 acres of ground of said Solitaire Lode Mining Claim and being situate in Section No 25. Township 6. South Range 11 East. in the County

by Execution Issue to Enforce the Collection of Said Costs and Further Ordered that Said Appellees Recover of Said Appellant the Solitaire Mining & Milling Company their Costs in this behalf Expended, as well in this Court as in the Court below for which Execution may Issue Therefor

And it appearing to the Court that W.M.A. Jewett & Erastus B. Parker are Sureties on the Appeal Bond herein, it is further considered & adjudged by the Court that said Appellees recover of said W.M.A. Jewett & Erastus B. Parker Sureties as aforesaid their Costs in this behalf expended, as well in the Lower Court as in this Court & that Execution issue therefor

John [illegible] Plaintiffs in Error } Error to
vs } Fourth
Thomas [illegible] et al Defts in Error } Judicial
} County.

This Cause having been argued by Counsel & Submitted to the Court under advisement by the Court at a former day of the present Term, the Court being now sufficiently advised in the premises pronounces its decision by Chief Justice Pory affirming the decree of the Court below for reasons stated in the opinion on file; all the members of the Court concurring. It is therefore ordered, adjudged & decreed by the Court that the decree in this cause of the District Court of Fourth County in this Cause come into this Court, be & the same is hereby affirmed, &

and Certificate of Register which the appellee asks leave to file, it is ordered that said defendants pay the costs of said plaintiffs in error to be taxed by the Clerk, and that said plaintiffs in error have execution therefor.

386 The Territory of New Mexico } Appeal from the
to } County of Bernalillo.
Doc. Kee, Appellant

By agreement of counsel parties by their respective attorneys, this cause is submitted to the Court without argument, upon the transcript of record, assignment of errors & briefs on file herein, by the Court, not being sufficiently advised in the premises, takes the same under advisement.

391 The United States } Appeal from the
to } District
Morris Katzenstein, Appellant

This cause, being called for trial & no one being present to represent said parties, is continued by the Court until the next term of Court.

395 Guadalupe Dela Garcia y Pena, Appellee } Appeal
to } from Cora
Mariano Barela, Executor et al. Appellants } Arce &c.

This cause coming on to be heard upon the transcript of record, assignment of errors & briefs filed herein, is argued by Mr Conway on behalf of said appellants & by Mr Merriam, on behalf of said appellee & submitted to the Court & the Court, not being sufficiently advised in the premises takes the same under advisement.

391 Moses L. Mead et al. Plffs in Error } Error to
vs } Sierra County
J. J. Avey et al. Defts in Error

Now come said plaintiffs in error by their attorney Mr Wooley & say to the Court here that they will not further prosecute their said writ, but desist, & dismiss the same: & so therefore consider & adjudged by the Court that said writ be & the same hereby is dismissed & that said Plaintiffs in error pay the costs of this proceeding to be

taxed & that execution issue therefor.

403 Jefferson D. Delaney et al. Plffs in Error } Error to
vs. } Lincoln
James F. Byrd et al., Defts in Error } Co.

Now come said defendants in error by their attorney, Mr Ferguson & move the Court to affirm the judgment of the Court below for reasons stated in their motion on file & said motion being submitted to the Court, the Court being sufficiently advised in the premises, sustains the same & it is therefore considered & adjudged by the Court that the judgment in this cause of the District Court in & for Lincoln County be & the same hereby is, affirmed, & that, in accordance therewith, the said defendants in error James F. Byrd & Wiley G. Byrd do have & recover of Jefferson D. Delaney & Jefferson D. Delaney the sum of fifteen hundred dollars, together with interest thereon from the 16th day of February 1889, at the rate of ~~six~~ per cent per annum, together with their costs in this behalf expended & have execution therefor: & it is further ordered & adjudged by the Court that said plaintiffs in error recover of James F. Bleeman & O. D. Downey, and their sureties on the supersedeas bond herein, the said sum of fifteen hundred dollars, together with interest thereon & costs aforesaid & that they have execution therefor: & it appearing to the Court that J. F. Bleeman & O. D. Downey are sureties on the supersedeas bond herein, it is further considered & adjudged by the Court that said defendants in error recover of said J. F. Bleeman & O. D. Downey, sureties on said supersedeas bond, the said sum of fifteen hundred dollars together with interest thereon & costs aforesaid, the said sum of fifteen hundred dollars together with interest thereon & costs aforesaid & that they have execution therefor.

Isaac Cooper & Nicholas Pfeiffer Error to Lincoln
405 vs. County
Mary O. Jones. Defts in Error
Now comes said defendants in error by their Attorney & moves the Court to dismiss

Fifteenth Day Tuesday January Term of A. D. 18 [illegible]

[illegible] Court for the purpose of hearing Motions & transacting such other business as may properly be brought before the Court.

D. Mitchell A. Norris et al Appellants } Appeal from
vs. } Jefferson
H. Marshall Appellee } Co.

Motion of the Court. It is ordered that said cause being in Court by agreement of parties. It is ordered that this cause be set down for hearing on the motion to dismiss on next Monday morning.

Town of Albuquerque, Plff in Error } Error to Bernalillo
vs. } County
Charles Spiegelberg, Deft in Error

Agreement of parties. It is ordered that this cause be set down for hearing on the motion to dismiss on next Monday morning.

Hugh Higgins Orig Appellant } Appeal from
vs. } County
Peter Ford Appellee

Now comes said appellee by Wm Clancy & presents to the Court here a transcript of record from the District Court, showing that an appeal was allowed herein, to this Court. Whereupon the Court is of opinion to affirm the judgment of the Court below for reasons stated in this motion on file, and said motion is submitted to the Court by the Court takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at nine o'clock.

Sixteenth Day

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read & approved

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sixteenth Day

Court meets pursuant to adjournment

Present as upon yesterday & also the Hon. John R. McFie, Associate Justice.

The record of yesterday's proceedings is read & approved.

William Bent, Plaintiff in Error
vs.
370 Guadalupe Thompson et al. Defts. in Error } Error to Taos Co.

This cause having been argued by counsel, & submitted to & taken under advisement by the Court at a former day of the present term, and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice McFie, affirming the judgment of the Court below for reasons stated in the opinion on file, all the members of the Court concurring:

It is therefore Ordered, adjudged & decreed by the Court that the judgment & decree of the District Court of Taos County, in this cause, wherein this cause came into this Court, be & the same hereby is affirmed & that in accordance therewith, the said petition of said William Bent, plaintiff in error, be & the same hereby is dismissed, & that as to the same, the said defendants in error, The Maxwell Land Grant & Company & the Maxwell Land Grant & Railway Company, & all other persons summoned in this cause under the same, go hence without day; that the records & proceedings of the Probate Court of Taos County, made & had in the September Term A.D. 1887, thereof in the matter of the estate of Alfred Bent, deceased, in so far as the last will & testament of said Alfred Bent be & the same are hereby declared null & void, & are hereby vacated, set aside, & held for naught: & it is further considered & adjudged by the Court that said defendants in error recover of said plaintiff in error their costs & & Charges in this behalf expended, as well in the lower Courts as in this Court, to be taxed &

they have execution therefor: And it further appearing to the Court that Georgetta D. Thompson and C. H. Gildersleeve are sureties on the Cost bond therein. It is further considered and adjudged by the Court that said defendants recover of said Georgetta D. Thompson and C. H. Gildersleeve as aforesaid their costs as aforesaid, that they have execution therefor.

387 Nicasio Sanchez, Appellant
do
Jesus Candelaria, Appellee } Appeal from Valencia County

This cause having been heard and submitted to and taken under advisement by the Court at a former day and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Whiteman, reversing the judgment of the Court below and remanding this cause to that Court with directions to permit the amendment to his complaint asked by said plaintiff appellant: And it is further considered and adjudged by the Court that said appellant recover of said appellee his costs in this behalf in this Court expended to be taxed and that he have execution therefor.

382 Trinidad Alarid, Plff in Error
do,
Eugenio Romero, Deft in Error } Error to San Miguel Co.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein, is argued by Mr Bartlett, in behalf of said Plaintiff in Error and submitted to the Court and the Court not being sufficiently advised in the premises, takes the cause under advisement.

316 David C. Sager. Appellee, } Appeal
vs. } from Dist.
The Portsmouth Cattle Company, Appellant } Miguel Co.

This cause coming on to be heard upon the record, assignment of errors, briefs filed herein, is argued by counsel, by Mr. Knaebel in behalf of said appellant, and by Mr. Breeden, and Mr. Sloan in behalf of said appellee, and submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

On motion of Neill B. Field Esq. It is ordered that Meylert Brunet, a member of the bar of the Second Judicial District Court of the New Mexico, be, and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court, and he thereupon subscribes the official oath prescribed by the rules of the Court

400 Decree Company, Plaintiff in Error } Error to
vs. } Socorro Co.
Geo. L. Brooks, Defendant in Error

Now comes said defendant in error by his attorneys, Messrs. Warren and Ferguson, and move the Court to affirm the judgment of the Court below for reasons stated in his motion on file, and said motion being submitted to the Court and the Court, not being sufficiently advised takes the same under advisement.

It is thereupon ordered that the Court do now adjourn until to-morrow morning at ten o'clock,

Seventeenth Day

Court met pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings in said cause was

In re application of Board of County Commissioners of Santa Fe' vs. Santa Fe' County. } Error to Santa Fe' County.

Now comes said petitioner by his attorney, Wm. Preston Day to the Court here that defendant further proceeds the said writ, but dismisses the same: And further therefore comes defendant by the Court that said writ of prohibition &c. be, the same is hereby dismissed & pay that said petitioner pay the costs of this proceeding to be taxed

409 Charles McGilderslee et al. vs. The Nez Mexico Mining Company et al. } Error to Santa Fe' County.

By agreement of said parties by their solicitors it is ordered that this cause stand continued until the next term of Court.

412 Samuel L. Bachelder et al. Plaintiffs in Error vs. Francisco Chaves. Defendant in Error } Error to Santa Fe' County

By agreement of said parties by their respective attorneys, this cause is recommitted to the Court upon the transcript of record, assignment of errors and briefs filed herein, with the proviso that unless this cause is determined at the present term of Court, this recommission shall be held of no effect.

430 John H. Lacey, Appellee. vs. Sol A. H. Bloodgood et al. Appellants } Appeal from Grant County.

On motion of said appellants by their attorney Wm Elliott, It is ordered that the said appellants be, and are hereby given until July 1, 1890 in which to file their briefs herein and the said appellee is given until the first day of the next term of Court. It is further ordered that this cause abide continued until the next term of Court.

388 Exchange Bank of Dallas, Appellee } Appeal
vs. } from Socorro
D. F. Tuttle, Appellant } County.

This cause having been heretofore argued & submitted to day taken under advisement by the Court at a former day of the present term, & the Court being now sufficiently advised in the premises announces its decision by Associate Justice McFie, affirming the judgment of the Court below, for reasons stated in the opinion on file, all the members of the Court concurring & it is therefore considered & adjudged by the Court that the judgment in this cause of the District Court of Socorro County, whence this cause came into this Court, be & the same hereby is affirmed & that in accordance therewith that said appellee, Exchange Bank of Dallas, recover of said appellant, D. F. Tuttle, the sum of four thousand seven hundred and thirty dollars, with interest thereon at the rate of twelve per cent per annum from the 5th day of November, 1885, & also the sum of three hundred & fifty dollars as attorneys fees, with interest thereon from said November 5th 1888 at the rate of six per cent per annum, together with its costs in this behalf expended, & that said Court have & recover execution therefor.

1118 William M. Coler, Jr, Appellee } Appeal
vs. } from Santa
The Board of County Commis- } Fe County.
sioners of Santa Fe County, Ap-
pellant }

This cause coming on to be heard upon the transcript of record, assignment of errors & briefs filed herein, & argued & on behalf of said appellant by Mr. Field & on behalf of said appellee by Mr. Conway

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock,

Eighteenth Day Saturday January Twenty fifth A. D. 1890.

Eighteenth Day.

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

415 William M. Baker Jr, Appellee
vs.
The Board of County Commissioners of Santa Fé County, Appellant } Appeal from Santa Fé County.

This cause again coming on to be heard upon the transcript of record, the assignments of error & briefs filed herein, is further argued by Mr. Knaebel in behalf of appellee & by Mr. Laughlin & Mr. Preston in behalf of appellant.

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Nineteenth Day

Court meets pursuant to adjournment

Present as upon Saturday

The record of Saturday's proceedings is read & approved.

460 Geer & Company, Plaintiffs in Error
vs.
W. L. Breare, Defendant in Error } Error to Socorro County

The motion of said defendant in error to dismiss said writ of error having been submitted & taken under advisement by the Court & the Court being sufficiently advised in the premises, sustains said motion. It is therefore considered & adjudged by the Court that said writ of error be & the same hereby is dismissed & that said defendant in error recover of said

plaintiffs in error this cost in this behalf expended to be taxed, and that execution issue therefor.

Sandusky & Reynolds et al. Plffs in Error
vs.
Tracy & Jones Defendant in Error
} Error to District Court Darke Co.

408 The motion of said defendant in error to dismiss said writ of error having been submitted, to and taken under advisement by this Court at a former day of the present term, and the Court being now sufficiently advised in the premises, sustains the same: It is therefore considered, and adjudged, by the Court that said writ of error be, and the same hereby is, dismissed, and that said plaintiffs in error pay the costs of this suit to be taxed, and that execution issue therefor.

Charles F. Mead, Appellant
vs.
Stephenson et al. Appellees
} Appeal from Darke County.

411 This cause having been argued, and submitted to the Court on the motion of said appellees to dismiss said appeal, the Court, being now sufficiently advised in the premises, sustain said motion: It is therefore considered, and adjudged by the Court that said appeal be, and the same hereby is dismissed: And this cause is remanded to the District Court of Darke County with directions to proceed, therein in the same as though no appeal had been allowed: And said appellant pay the costs of the proceedings to be taxed, and that execution issue therefor.

Mitchell & Minor et al. Appellants
vs.
H. Blanchard Appellee
} Appeal from Darke County.

413 The motion of said appellee to dismiss said appeal, for the want of a sufficient bond, coming on to be heard, and the Court being now sufficiently advised in the premises, overrules the same: It is therefore ordered, and adjudged, by the Court that said motion be, and the same hereby is, overruled.

[illegible] Monday [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible]

[

Eleventh Day Monday January Term A. D. 1890

the transcript of record, assignment of errors & briefs filed herein is further argued by Mr. Preston, in behalf of said appellant & by Mr. Macbeth in behalf of said appellee & the Court is advised in the premises & takes the same under advisement.

Ingvest Kirchner, Appellee
vs. } Appeal from Santa Fe
Aaron N. Laughlin, Appellant } County

Now comes said appellant by his attorney & moves the Court to tax the printing of the record herein as part of the costs of this suit & said motion being argued by counsel & submitted, to the Court. The Court takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock

Tuesday 11th Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved

William H. Newcomb et al. Plffs in Error } Error to
vs. } Grant Co
Jorge A. White et al. Defts in Error

This cause having been argued by counsel & by them submitted to the Court & taken under advisement by the Court at a former day of the present term & the Court being now sufficiently advised in the premises, announces its decision by Mr. Justice Lee, affirming the decree of the Court below, for reasons stated in the opinion on file, in the records of the Court which opinion

that the decree in said cause of the District Court of the County of Grant whence this cause came into this Court be and the same hereby is affirmed, and that in accordance therewith, that the special master Arthur H. Harlee be and he is hereby directed to advertise for sale and sell the property described in the bill of complaint herein, to-wit: that certain mill building of frame situate on the southwest one quarter of section three of township eighteen south of range fourteen west of the principal meridian of New Mexico, and familiarly known as "Newcomb's Mill", being the same building erected and at this date standing upon the site of what was formerly known as "the Boston Company's Mill", which said last mentioned mill was heretofore destroyed by fire; and the site of said mill and the said building, being situated about three hundred and thirty yards more or less from the termination of Yankee Street at the western boundary of the town site of the town of Silver City, and in a direction almost due westwardly from the termination of said street, being a frame building erected by the said Newcomb for milling purposes in the reduction of ores bearing ores," at public auction to the highest and best bidder for cash at the front door of the Court House in the town of Silver City first giving ten days notice of such sale by publication on three different days in some newspaper printed and published in the town of Silver City, stating the time, terms, place of sale, and property to be sold, and upon the approval of such sale by the Judge of the District Court of Grant County, shall execute a deed or deeds of such property to the purchaser or purchasers; and the proceeds of such sale shall thereupon be paid by the said special master in the satisfaction of the costs herein, including the sum of sixty Dollars, which is hereby allowed, to said Special master Arthur H Harlee for his services as such special master heretofore performed herein, and the sum of two hundred and fifty dollars as attorneys' fee allowed to Ashenfelter & Bantz for their services herein and also the costs in this Court to be taxed;

and the amounts found to be due any payable to the complainants as set forth in the masters report herein, to wit; Milton Barnes, the sum of nine hundred and sixteen dollars and interest at six per cent. per annum from the second day of January, 1880. to the time of payment. John D. Hastings the sum of five hundred and thirty two dollars each with interest at the rate of six per cent. per annum from the 2nd day of January, 1880. to the time of payment. for which a lien was found by said report and confirmed by this decree; And it appearing that the said Special Master in taking proof to ascertain the amounts due as aforesaid, has been put to expense, And it appearing to the Court that Peter Dorsey and Daniel Conner are sureties on the supersedeas bond herein: It is further ordered, adjudged, and decreed that in case the proceeds of such sales be insufficient to pay said judgments with interest and costs, the said Special Master shall report to this Court the amount of such deficiency and the amount of such deficiency shall be a lien declared judgment against said, complainants, and in favor of the said sureties Peter Dorsey and Daniel Conner and that execution against them for such deficiency.

Ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Twenty first Day

Court meets pursuant to adjournment

Present as before yesterday

The record of yesterday proceedings is read and approved

Louis C. Malone et al. Petitioners } Order to
vs. } Proceed
369 Wm. Applefeller et al. Defendants } Bond Suit

This cause coming on to be heard upon the petition of the complainants herein, and it appearing to the Court that the defendants [illegible]

ing entered in the premises, announces its decision by Chief Justice Long. affirming the decree of the Court Below. for reasons stated in the opinion on file, all the members of the Court concurring: It is therefore ordered, adjudged, and decreed by the Court that the decree of the District Court of the County of Grant in this cause rendered be and the same hereby is affirmed and that, in accordance therewith; said plaintiff in error Aloah E. Wolcott has a landlords lien upon all the personal property belonging to plaintiff in error Frank J. Albright in the room which he occupies on November 28. 1884. in a law office in the building of said Wolcott, situated on the southeast corner of Bullard and Broadway Streets in the town of Silver City in Grant County Territory of New Mexico, for the rent of said room by said Bright from the first day of February 1884 to the first day of December. 1887. at the rate of twenty dollars per month. less twenty dollars paid by said Bright to said Wolcott for the rent of the month of February. 1886. amounting to the sum of four hundred and twenty dollars.

And It is further ordered, adjudged and decreed that said Aloah E Wolcott, by reason of the removal by the mutual consent of said Wolcott and Bright, of said personal property belonging to said Bright from the rooms across the central hall in said building to the room in which said property was on November 28. 1887. prior or on said first day of February. 1886, lost his landlords lien on said property for any rent due for said rooms from said Bright to said Wolcott prior to said first day of February. 1886.

And It is further ordered, adjudged and decreed by the Court that the Special master appointed by the Court below. Alpheus H. Harllee be and he is hereby authorized, empowered and directed to proceed and sell at public auction, without additional fee, thereto herein allowed, after giving ten days notice of the time and place of said sale, all the personal property belonging to said Frank J Albright and in the said room described by the mortgage November 28. 1884. as a law office in said building above described, and with the proceeds arising from the sale of said property. said special

receiver shall pay the following amounts to the following persons, and in the following order, viz:
First: All the costs of this suit, including Sheriffs fees of one hundred and fifty dollars which is hereby allowed to said W. H. Harlee for his services herein. And the fee of the Receiver E. Stine in the sum of twenty five dollars, which is hereby allowed. And if said receiver's fee has been paid to him by anyone, then to such one so paying said fee.
Second: Said sum of four hundred and twenty dollars to said Noah E. Wolcott for rent of said office from the first day of February A.D. 1886, to the first day of December, 1887, less twenty dollars paid by said Albright to said Wolcott for the rent of said office for said month of February, 1886.
Third: A fee of seventy five dollars to Gideon L. Bantz Esq for legal services as the solicitor of the plaintiffs in error.
Fourth: If there should or shall remain any said proceeds of said sale, after paying the foregoing amounts, the same shall be applied to the payment of defendant the note of said Albright, executed by him on February 24, 1886, payable to defendant in error, Nettie A. Ashenfelter for $200.00 & the mortgage securing said note, said note & mortgage being the ones mentioned in the bill herein.
And it is further ordered, adjudged and decreed that the said special master shall first sell the personal property in said office of said plaintiff in error upon which said Wolcott has a landlords lien & which is not embraced or included in said mortgage. & apply the proceeds thereof in the above order
And it is further ordered, adjudged and decreed, that said plaintiffs in error pay the costs in this cause in this Court in this cause to be taxed, and that execution issue therefor.

And it is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

A. D. 18

This cause coming on to be heard upon the Municipal Record, Assignment of Errors and filed Reasons is argued by Mr Hilden for the Appellant, and by Mr Bartlett, Solicitor General for the Appellees, and submitted to the Court & the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Thursday Third Day January Sitting A. D. 1840

Thursday Third Day

Court meets pursuant to adjournment

Presentia as upon yesterday

The record of yesterdays proceedings is read & approved.

Penfield Ayres, Executor et al. Appellees
vs. } Appeal from
Lorenzo Abeytia et al. Appellants } Bernalillo
County

Wilkinson Hilders, Trustee, Appellant } Appeal
vs. } from Bernal
Clara Ake, Executrix Appellee } ill.

And now to wit on this 3rd day of January A.D. 1840 the Appellant files in the office of the Clerk of this Court the following Bill of Exceptions which is in the words & figures following to wit

Be it remembered that on the trial of the above entitled cause in the District Court within and for the County of Bernalillo on the 3rd day of December A.D. 1839 before the Honorable Charles Beaubien Judge of the Second Judicial District of the Territory of New Mexico the Plaintiff to maintain the issues on his part to be maintained introduced and read in evidence the following instruments of writing to wit

[illegible]

And now to wit on this 3rd day of January A.D. 1840 the Appellant files in the office of the Clerk of this Court the following Bill of Exceptions which is in the words & figures following to wit

Be it remembered that on the trial of the above entitled cause in the District Court within and for the County of Bernalillo on the 3rd day of December A.D. 1839 before the Honorable Charles Beaubien Judge of the Second Judicial District of the Territory of New Mexico the Plaintiff to maintain the issues on his part to be maintained introduced and read in evidence the following instruments of writing to wit

[illegible]

Tuesday Day [illegible] A. D. 18[illegible]

Now come said appellants by their solicitor W. F. Childers, Esq. and present to the Court here an affidavit of value by which it appears that the matter in controversy herein exceeds the sum of five thousand dollars in value, exclusive of costs. And now the Court is grant them an appeal from the decree of this Court in this cause to the Supreme Court of the United States and the Court being sufficiently advised, grants said motion: It is therefore ordered by the Court that the said appellants be and are hereby granted an appeal from the decree of this Court in this cause to the Supreme Court of the United States.

379 August Kirchner, Appellee
vs.
Daron M. Laughlin, Appellant
} Appeal from Dauphin County

The motion of said appellant that the Clerk of this Court be directed to tax as part of the costs of this court and omit the printing of the transcript of record herein having been submitted to and taken under advisement by the Court at a former day. The Court being now sufficiently advised, sustains the same. It is therefore ordered by the court that the Clerk of this Court be and he is hereby directed to tax as part of the costs of this suit against the said appellee the cost of the printing of the transcript of record herein at the rate allowed and fixed by the Statute.

It is ordered that the Court do now adjourn until tomorrow morning at half past ten o'clock.

Seventy Fourth Day

Court meets pursuant to adjournment

Present as upon yesterday except the Hon. John R. McKie.

The record of yesterdays proceedings is read & approved.

William Blair, Plaintiff in Error
vs.
Error to Taos County
Charles Thompson, The Maxwell Land Grant & Railway Company, The Maxwell Land Grant & Railway Company.
Defendants in Error

Now comes said plaintiff in error by his attorneys & presents to the Court here an affidavit of William Blair by which it appears that the matter in controversy herein exceeds in value the sum of five thousand dollars, & moves the Court to grant him an appeal from the judgment & decree of this Court to the Supreme Court of the United States & the Court being sufficiently advised in the premises, grants said motion. It is therefore ordered by the Court that said plaintiff in error be and he is hereby granted an appeal from the judgment and decree of this Court in this cause to the Supreme Court of the United States - & thereupon said plaintiff in error asks the Court to make a statement of the facts herein in order to enable him to perfect his said appeal.

3/c

Charles Thompson et al Appellees
vs.
William Blair Appellant

It appearing to the Court that William Blair & Charles Thompson & Halton Halton Bros. Sureties on Supersedeas Bond No. 5 Sunbrook-16 are sureties on the appeal bond by that the said appeal was dismissed at a former day of this term & it is ordered by the Court that said appellees recover of said sureties their costs in this behalf expended & in this Court to be taxed, & that execution issue therefor.

It is ordered that the Court do now adjourn

Twenty Fourth Day Saturday February 1st A. D. 1890.

Term Tuesday. February 11. 1890.

Elisha V. Long
Chief Justice &c.
W. D. Lee
Associate Justice &c.
Wm. L. Whitman
Associate Justice &c.

Twenty Fifth Day

Court meets pursuant to adjournment

Present as upon ... (February 1st except the Honorable Elisha V. Long. Chief Justice

Present, also, The Hon. E. A. Fike, United States Attorney.

The record of February 1st is read and approved.

Charles Probst. Plff in Error
vs.
The Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, Defendant in Error

} Error to Bastrop County

Now comes said defendant in error by its attorney. E. A. Fike. Esq and presents to this Court here the mandate of the Supreme Court of the United States in this cause. by which it appears that the judgment of this Court in this cause has been reversed and set aside and a judgment entered in this Court against said defendant in error for the Costs of this suit in which Court this cause remanded to this Court with directions to proceed therein in accordance with the opinion and judgment of said Court. And thereupon it is considered and adjudged by this Court,

in accordance with said mandate, that said plaintiff in error recover of said defendant in error the sum of one hundred sixty six dollars, its costs in said Supreme Court of the United States as taxed by law that he have execution therefor; that the judgment of this Court in this cause be and the same hereby is reversed by set aside by this cause remanded to the District Court of Santa Fe County with directions to proceed therein in accordance with the opinion and judgment of said Supreme Court of the United States.

It is ordered that the Court do now adjourn until tomorrow morning at half past nine o'clock.

Sixty Sixth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved

365 Juan Abeytia, Appellee -vs- The California Powder Company Appeal from Grant County

This cause having been argued by counsel and submitted to be taken under advisement by the Court at a former day of the present term, the Court, being now sufficiently advised in the premises, announces its decision by Associate Justice Lee, reversing the judgment of the Court below, for reasons stated in the opinion on file, Associate Justice Pritchard dissenting. It is therefore considered by the Court by adjudged by the Court that the judgment in this cause of the District Court of Grant County be and the same is hereby reversed and this cause remanded to the District Court of Santa Fe County with directions to proceed therein in accordance with the opinion and judgment of said Supreme Court of the United States.

Twenty-sixth Day Wednesday March Term A. D. 1896

from thereby is reversed and set aside and the Cause remanded to said Court with directions to proceed therein to grant a new trial and to further proceed in accordance with the opinion of the Court. And this further considered and adjudged that said appellee pay the costs of this Court to be taxed and that execution issue.

Guadalupe S. de Garcia y Pena } Appeal
Appellee } from
vs } Dona Ana
Mariano Pareda, Executor & Et al. } County.
Appellants

This cause having been argued by counsel and submitted to and taken under advisement by the Court at a former day of the present term and the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Whitemun, affirming the judgment and decree of the lower Court, for reasons stated in the opinion on file, Chief Justice Long and Associate Justice Lee Concurring. It is therefore ordered, adjudged and decreed by the Court that the decree in this cause of the District Court of Dona Ana County, whence this cause came into this Court, be and the same hereby is affirmed and that, in accordance therewith, It is ordered, adjudged and decreed that the Codicil to the will of Pedro Garcia y Pena referred to in the bill of complaint herein, which reads as follows:

"I declare moreover that my sister Rafaelita Pareda and my nephews, Mariano Pareda, are to have and give them the following property: A certain piece of real estate situated in La Mesilla, called a Retreno. The property bought of the Peru according to the writings of purchase and in the United States Land Office. The remainder of the herds and animals after paying the legacies herein made. All the notes and papers that appear in the writing and in my books, except the legacies herein made. I direct Mauricio Zamora, José A. Herrera, José M. Dominguez and Manuel Trujillo be cited as witnesses before the United States Land Office in the application made by Julian Abeitan, signed in the presence of the witnesses by order of Pedro Garcia y

And the Testator, he and the same is hereby declared to be null and of no effect and the action of the Probate Court of Doña Ana County admitting the same to Probate is hereby set aside and held for naught. And the said will is hereby otherwise confirmed and the said executor, Mariano Barela, ordered and directed to execute said will as construed in the masters report as confirmed by the lower Court: It is further ordered, adjudged and decreed that the construction given to said will by the Master in the lower Court and his report upon the meaning and intention of the testator as set forth in said will be and hereby is confirmed in all things: It is further ordered adjudged and decreed that the so-called final settlement of the estate of Pedro Garcia y Perea deceased, made by Mariano Barela, as executor of the said will, in the Probate Court of Doña Ana County, be and hereby is, declared null and void and set aside and held for naught, as against said complainant and appellee in favor of said Mariano Barela, aforesaid, and that under said so-called final settlement described in the bill of complaint herein, no rights accrue to said Barela therefrom. It is further ordered, adjudged and decreed that the said complainant appellee, Guadalupe S. de Garcia y Perea, do have and recover of and from said defendant, Mariano Barela, as executor of the estate of Pedro Garcia y Perea, deceased, and of the said Mariano Barela, individually, the sum of five thousand two hundred and thirty eight dollars with interest thereon from the eighth day of October, 1886, at the rate of six per cent per annum, together with all the costs of this suit, and that the Probate Court of this County, in which the said execution shall be issued, do and shall direct the payment thereof: And it is further ordered that the said Mariano Barela do pay to the complainant the proceeds thereof, to be paid through the Probate Court of this County; that it appearing to the Court that Mariano Barela and Pedro Garcia y Perea are sureties on the appeal bond herein: It is further ordered, adjudged and

Circuit Court Complainant Thereafter Solicitor for Complainant Thereafter Defendant Thereafter Solicitor for Defendant Thereafter Court Complainant Thereafter Solicitor for Complainant Thereafter Defendant Thereafter Solicitor for Defendant Thereafter Court

and that said Complainant Thereafter Solicitor for Complainant Thereafter Defendant Thereafter Solicitor for Defendant Thereafter Court having more sufficiently advised in the premises, Thereafter the Court doth overrule said Demurrer for reasons stated in the opinion Thereafter filed: Therefore ordered by the Court that said motion be and the same hereby is overruled.

William McAllister Appellee
vs.
Peter McLaughlin Appellant
} Appeal from Dallas County

Now at this day this cause coming on to be heard upon the transcript of the record herein and the same being duly submitted by counsel and the Court having more sufficiently advised in the premises, Thereafter the Court doth find that there is no error in the record herein: Therefore ordered by the Court that the judgment of the Circuit Court be and the same hereby is affirmed.

Benjamin Reichner Appellee
vs.
Peter McLaughlin Appellant
} Appeal from Dallas County

The motion of the appellee herein for a rehearing herein having been duly submitted by said appellee having been taken under advisement by the Court, the Court having more sufficiently advised, overrules the same: Therefore ordered by the Court that said motion be and the same hereby is overruled.

Benjamin Reichner Appellee
vs.
Peter McLaughlin Appellant
} Error to Dallas County

Now at this day this cause coming on to be heard upon the transcript of the record herein and the same being duly submitted by counsel, Thereafter the Court not being more sufficiently advised in the premises doth take time to consider thereof: Thereafter on this day the Court having more sufficiently advised in the premises doth find that there is no error in the record herein: Therefore it is considered by the Court that the judgment of the Circuit Court be and the same hereby is affirmed.

Edward Simmons Treasurer Plaintiff in Error
vs.
Thomas Wrenshall Defendant in Error
} Error to Dallas County

Now at this day this cause coming on to be heard upon the transcript of the record herein and the same being duly submitted by counsel, Thereafter the Court not being more sufficiently advised in the premises doth take time to consider thereof: Thereafter on this day the Court having more sufficiently advised in the premises doth find that there is no error in the record herein: Therefore it is considered by the Court that the judgment of the Circuit Court be and the same hereby is affirmed.

thereon have been actually & necessarily incurred & that on each day for which services & charges & disbursements are charged & made the Court was duly & legally opened by the Judge for the transaction of business & that the charges appear to be just & correct according to law; It is hereby ordered that the said account, amounting to Three hundred & fifty four dollars & forty cents be & the same is hereby approved.

Whereas Ireneo Romero United States Marshal has rendered to this Court an account of his disbursements for Pay of Bailiffs etc. incurred & paid previous to the January term 1890, at Santa Fé of the United States Supreme Court, with the vouchers & items thereof & now presented by the Judge for the transaction of business & that the charges appear to be just & correct according to law; It is hereby ordered that said account amounting to One hundred & ninety two dollars, be & the same is hereby approved.

Whereas Ireneo Romero United States Marshal has rendered to this Court an account of his disbursements for Miscellaneous Expenses incurred & paid previous to the January Term 1890 at Santa Fé, of the United States Supreme Court, with the vouchers & items thereof, and now presented by Eugene A. Fiske, United States Attorney, has proved on oath, to the satisfaction of the Court that the services therein charged have been actually & necessarily performed as therein stated & that the disbursements charged have been fully paid in lawful money; & whereas said charges appear to be just & according to law: It is hereby ordered that said account amounting to fifteen dollars & sixty cents be & the same is hereby approved.

Thirty Sixth Day Thursday February Twelfth A. D. 1890

Whereas Trinidad Romero, United States Marshal, has rendered to this Court an account of his disbursements for pay of Bailiff &c. incurred & by him paid to the January Term 1890, of Quarter of the United States Supreme Court, with the vouchers & items thereof & in presence of Eugene A Fiske, United States Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually & necessarily performed & that the disbursements charged have been fully paid in lawful money: & whereas said charges appear to be just & according to law: It is hereby ordered that said account, amounting to Twelve dollars, be & the same is hereby approved.

Whereas Trinidad Romero, United States Marshal, has rendered to this Court an account of his Fees & Expenses from the 11th day of February to the 15th day of February 1890, with the vouchers & items thereof & in presence of Eugene A Fiske, United States Attorney, has proved on oath to the satisfaction of the Court that the services & travel charged therein were actually & necessarily performed, & that the expenses were necessarily incurred, & that on each day for which per diem is charged, business was actually transacted therein, or that Court was opened by the Judge for the transaction of business. & whereas said charges appear to be just & according to law;

It is hereby ordered that said account, amounting to twenty dollars, be & the same is hereby approved.

Whereas Eugene A Fiske, United States Attorney, has rendered to this Court an account of his fees for services performed at the present term of this Court, with the items thereof, & has proved on oath to the satisfaction of the Court that the services therein charged have been actually & necessarily performed & therein state & that on each day for which per diem is charged business was actually transacted in Court, or the Court opened by the Judge for business, & whereas said charges appear to be just & according to law. It is ordered that said

account amounting to twenty dollars & the same hereby is approved.

Thomas Summers Burkhart, Clerk of this Court, has rendered an account of his fees for services performed at any previous to the present term, with the items thereof, & in presence of Eugene H. Fiske, U.S. Attorney, has proved on oath to the satisfaction of this Court that the services therein charged for have been actually & necessarily performed as therein stated, & also, that on the days for which per diem & charges, business was actually transacted in open Court, or Court was actually opened & by the Justices for business: & whereas said charges appear to be just & according to law; It is ordered by this Court that said account, amounting to Two hundred & ninety three dollars & twenty cents be allowed & the same is hereby approved.

It is ordered that S. Burkhart be & he is hereby allowed one hundred & four dollars for 26 days attendance as Clerk of this Court, & be paid by the Territory of New Mexico.

Now comes Edward L Bartlett, Esq. Solicitor General of the Territory of New Mexico, and presents to the Court here his commission as such & thereupon ordered by the Court that said commission be spread upon the record, which is accordingly done in the words & figures following:

The Governor of the Territory of New Mexico
To all to whom these presents shall come, Greeting:
Know ye:
That reposing special trust & confidence in the ability & integrity of Edward L. Bartlett, I do hereby commission him to be Solicitor General of the Territory of New Mexico, & authorize & empower him, the said Edward L. Bartlett, in the performance of the duties of said office by doing & performing all matters & things thereunto belonging in accordance with the laws of New Mexico. This commission to continue in force

Twenty Sixth Day Wednesday February Second A. D. 1891

the seal affixed thereto.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the Territory of New Mexico

Done at Santa Fe this fifteenth day of October in the year of our Lord, one thousand eight hundred and eighty nine and of the Territory the fortieth, and of the National Independence the one hundred and fourteenth.

(Seal of Territory of New Mexico)

(Signed) W. H. Thomas
Acting Governor of New Mexico

By the Governor:
W. H. Thomas
Secretary of the Territory

It is ordered that the Court do now adjourn until the second Monday of June. 1890. at ten o'clock A. M.

John R. McFie
Associate Justice

Wm. D. Whiteman
Associate Justice

W. D. Lee
Associate Justice

Day ..... A. D. 18 .....

At Santa Fe, N. M. March 29. 1890

Present.

Hon. James F. O'Brien. Chief Justice of the Supreme Court of the Territory of New Mexico.

Attest. Numa Burkhart. Clerk of said Court.

Now comes the Honorable James F. O'Brien, Chief Justice of the Supreme Court of the Territory of New Mexico and presents his commission as such Chief Justice and his oath of office which are read upon the record in the words and figures following, to wit:

Commission

Benjamin Harrison

President of the United States of America.

To all to whom these presents shall come, Greeting:

Know Ye, That reposing special trust and confidence in the integrity, learning and ability of James F. O'Brien of Minnesota, I have nominated, and by and with the advice and consent of the Senate, do appoint him Chief Justice of the Supreme Court of the Territory of New Mexico, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, to have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining unto him, the said James F. O'Brien for the term of four years from the day of the date hereof, subject to the conditions and provisions prescribed by law.

In testimony whereof, I have caused these Letters to be made patent and the Seal of the Department of Justice to be hereunto affixed.

Given under my hand at the City of Washington the 25th day of February in the year of our Lord one thousand eight hundred and eighty-nine and of the Independence of the United States of America the one hundred and thirteenth.

By the President:

W. H. H. Miller

Attorney General.

Day A. D. 18

Oath of Office

United States of America }
Territory of New Mexico } ss.
County of Santa Fe }

I James O'Brien, having been appointed to the office of Chief Justice of the Supreme Court of the Territory of New Mexico, do solemnly swear that I will support, defend, the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith & allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of the Territory of New Mexico according to the best of my ability and understanding agreeably to the Constitution and laws of the United States, the laws of said Territory. So help me God.

James O'Brien

Sworn and subscribed to before me this 29th day of March in the year of our Lord one thousand eight hundred and ninety.

Wm. G. Rhodes
Secretary of New Mexico.

Filed in office of the City Secretary of N.M.
Mar 29, 1890.

Wm. G. Rhodes,
Secy.

Twenty Seventh Day of January Term 1890

Court meets pursuant to adjournment on February 10, 1890

Present:

The Honorable Samuel D. Bacon, Chief Justice of the Supreme Court of the Territory of New Mexico,
The Honorable William W. Lee Associate Justice of said Supreme Court.
The Hon. E. A. Hike United States Attorney for the District of New Mexico.
Edward L. Hewlett Esq. Solicitor General of said District,
Antonio Lucero U. S. Marshal of said District. and
Solomon Luna Esq. Sheriff of said County of Valencia.

When the following proceedings were had,
It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Tuesday eighth day.

Court met pursuant to adjournment.

Present as on yesterday except the Hon. Associate Justice.

The roll of attorneys was called, whereupon Benjamin Read, Clerk of this Court, presented an account of his fees for services performed previous to the present term, and the Court, being satisfied with the correctness of said account, ordered the same to be allowed and paid by the Auditor of the Territory of New Mexico, out of the funds appropriated for the payment of the salaries of the officers of the Supreme Court, and also, the Court being satisfied that the services therein stated, and also, the mileage for which service is charged, were rendered and performed, and that said charges appear to be just and according to law:

It is ordered by the Court that said account be passed and approved for Sixty Dollars and cents, be and the same is hereby approved.

Whereas Summers Burkhart, Clerk of this Court has rendered an account of his fees for services performed previous to the present term, with items thereof, and in presence of Eugene A. Fike U.S. Attorney, has sworn, on oath, to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated, and also that on the days for which per diem is charged, business was actually transacted in Court, or that Court was actually opened for business; and, whereas, said charges appear to be just and according to law. It is ordered that said account amounting to twenty eight dollars and sixty cents, be and the same is hereby allowed.

It is ordered by the Court that Summers Burkhart be and he is hereby appointed for two days attendance as Clerk of this Court, to be paid by the Territory of New Mexico.

Whereas, Summers Burkhart, Clerk of this Court has rendered an account of his fees for services performed at and previous to the present term of Court with the items thereof, and in presence of Eugene A. Fike U.S. Attorney, has sworn, on oath, to the satisfaction of the Court that the services therein charged for have been actually and necessarily performed as therein stated, and also that on the days for which per diem is charged, business was actually transacted in Court, or that Court was actually opened for business; and, whereas, said charges appear to be just and according to law. It is ordered that said account amounting to twenty eight dollars and sixty cents, be and the same is hereby allowed.

Whereas, Eugene A. Fike, United States Attorney, has rendered to this Court an account of his fees for services performed at the present term

Day ..... A. D. 18....

of this Court, with the items thereof, and has proven, on oath, to the satisfaction of the Court, that the services therein charged for have been actually and necessarily performed as therein stated, and that on each day for which per diem is charged, business was actually transacted in Court, or that Court was actually opened for business; and whereas, said charges appear to be just and according to law, It is ordered that said account, amounting to twenty dollars, be and the same is hereby approved.

It is ordered by the Court that Simmons Burkhart be and he hereby is allowed forty four dollars and thirty cents for copying in the record of opinions four hundred and forty three folios of opinions handed down at the present term.

It is ordered that all causes, motions, rules, orders and other business not otherwise disposed of, be and the same hereby are continued until the next term of Court.

It is ordered that the Court do now adjourn sine die.

James O'Brien
Chief Justice

At Santa Fe, New Mexico, August 28th, 1891.

Present, the Honorable Edward P. Seeds, Associate Justice of the Supreme Court of the Territory of New Mexico.
Leonard Burkhart, Clerk of said Supreme Court.

Now comes the Honorable Edward P. Seeds, Associate Justice of the Supreme Court of the Territory of New Mexico, and presents his commission as such Associate Justice and his oath of office, which are spread upon the record in the words and figures following, to-wit:—

Commission.

Benjamin Harrison

President of the United States of America,

To all who shall see these presents, Greeting:—

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Edward P. Seeds, of Iowa, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Edward P. Seeds, for the term of four years from the day of the date hereof, subject to the conditions and provisions prescribed by law.

In testimony whereof, I have caused these Letters to be made Patent and the Seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the 24th day of July in the year of our Lord one thousand eight hundred and ninety and of the Independence of the United States of America the one hundred and fifteenth.

Department of Justice Seal

(Benj. Harrison.

By the President:
W. H. H. Miller
Attorney General.

Oath of Office.

United States of America,
Territory of New Mexico,
County of Santa Fe.

I, Edward P. Seeds, having been appointed to the office of Associate Justice of the Supreme

Day A. D. 18

Court of the Territory of New Mexico, do solemnly swear or that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. and I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will administer justice without respect to persons and do equal rights to the poor and to the rich and that I will faithfully and impartially discharge and perform all the duties incumbent on me as such Associate Justice of the Supreme Court of the Territory of New Mexico according to the best of my ability and understanding agreeably to the Constitution and the laws of the United States and the laws of said Territory. So help me God.

Edward P. Seeds.

Sworn and subscribed to before me this 28th day of August in the year of our Lord one thousand eight hundred and sixty.

Benjamin M. Thomas.
Secretary of New Mexico.

Seal
Territory of N. M.

(Not dated, Clerk Records, Vol. 2 Ter., 18[illegible]

(Seal)

The President of the United States of America,

To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Alfred A. Freeman, of Tennessee, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of New Mexico and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States, and to have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said Alfred A. Freeman for the term of four years from the day of the date hereof, subject to the conditions and provisions prescribed by Law.

In testimony whereof, I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the 1st day of October, in the year of our Lord one thousand eight hundred and ninety and of the Independence of the United States of America the one hundred and fifteenth.

Seal of the Department of Justice.

By the President: Benj. Harrison.

W. H. H. Miller,

Attorney General.

Oath of Office.

United States of America } ss.
District of New Mexico }

Day A. D. 18

I A.C. Freeman do swear that I will support the Constitution of the United States and the Constitution of the State of New Mexico, and that I will bear true allegiance to the United States and the State of New Mexico, that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the function of any office whatever under any authority, or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States, hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability I will support and defend the constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will administer justice without respect to persons and do equal rights to the poor and to the rich and that I will faithfully discharge and perform all the duties incumbent on me as such Associate Justice of the Supreme Court of the Territory of New Mexico according to the best of my ability and understanding agreeably to the Constitution and laws of the United States and the laws of said Territory. So help me God.

A. A. Freeman

Subscribed to before me this 21st day of October in the year of our Lord one thousand eight hundred and ninety.

Benjamin M. Thomas.
Secretary of New Mexico.

Seal of the Secretary of New Mexico.

Of the Supreme Court of the Territory of New Mexico for the 3rd Judicial District.

Present:

The Honorable Lorenzo O'Brien, Chief Justice of the Supreme Court of the Territory of New Mexico.
The Honorable Edward L. Bartlett, Associate Justice of the Supreme Court.
The Honorable William D. Lee, Associate Justice of the Supreme Court.
The Honorable John A. McKinney, Associate Justice of the Supreme Court.
The Honorable Alfred M. Freeman, Associate Justice of the Supreme Court.

An order dividing the Territory of New Mexico into five Judicial Districts assigning Judges to the several Districts, and fixing the times & places of holding court therein:

In accordance with an Act of Congress entitled "An Act to provide for one additional Associate Justice of the Supreme Court of the Territory of New Mexico," passed at the 1st Session of the 51st Congress, directing the undersigned Chief Justice & Associate Justices of the Supreme Court to re-district said Territory into five Judicial Districts and to make such assignments of the Judges provided for in the first section of said Act as shall in their judgment be meet and proper, we, the Chief Justice and Associate Justices of said Supreme Court assembled at the Chambers of the Chief Justice, in the Court House of the County of San Miguel in said Territory, hereby order that said Territory be divided into five Judicial Districts as follows:

1. The Counties of Santa Fe, San Juan, Rio Arriba and Taos shall constitute the First Judicial District.
2. The Counties of Valencia and Bernalillo shall constitute the Second Judicial District.
3. The Counties of Grant, Sierra and Doña Ana shall constitute the Third Judicial District.
4. The Counties of San Miguel, Mora and Colfax shall constitute the Fourth Judicial District.
5. The Counties of Socorro, Lincoln, and Chaves & Eddy, when organized, shall constitute the Fifth Judicial District.

It is further ordered, that the Chief Justice and Associate Justices are assigned to the Judicial Districts as Judges thereof, as follows:

the First Judicial District, the Associate Justice here.
the Second Judicial District, the Associate Justice Lee.
the Third Judicial District, the Associate Justice McFie.
the Fourth Judicial District, the Chief Justice O'Brien.
the Fifth Judicial District, the Associate Justice Freeman.

And the times and places of holding Courts in the First, Second, Third and Fourth Judicial Districts, shall remain as now established.

It is further ordered that the town of Socorro in said County of Socorro, be and the same is hereby established as the Judicial seat of said Fifth Judicial District, and that the Term of the District Court for said Fifth Judicial District be held at said town of Socorro, on the second Monday of April and on the second Monday of October of each year.

And it is further ordered that the respective Clerks of the District Courts for the Second and Third Judicial Districts, transmit by express to the Clerk of the District Court for said Fifth Judicial District, all records, papers, books and other things now in their official custody, belonging or appertaining to such and all of said Counties comprising said Fifth Judicial District on his giving a proper receipt therefor.

And the foregoing order shall take effect and be in force from and after the 10th day of November, 1890.

And it is further ordered, that the Clerk of the Supreme Court of said Territory enter the foregoing on the records of his Court and transmit a certified copy thereof to the Clerk of each of said five Judicial Districts.

Witness my hand this 3rd day of November A.D. 1890.

Lorenzo O'Brien.
Chief Justice.
W. C. Lee.
Asso. Justice.
Antonio P. McFie.
Associate Justice.
C. L. Freeman.
Associate Justice.
Edward L. Bade.
Associate Justice 1st Dist.

First Day Monday January fifth A. D. 1891.

At a regular term of the Supreme Court of the Territory of New Mexico, begun and held at Santa Fe, the seat of government of said Territory on the first Tuesday of January, eighteen hundred and ninety one, the same being Monday, January fifth, A.D. 1891.

Present:

The Honorable James O'Brien, Chief Justice of the Supreme Court of the Territory of New Mexico.
The Honorable Edward P. Seeds, Associate Justice of said Supreme Court.
The Honorable William D. Lee, Associate Justice of said Supreme Court.
The Honorable Alfred A. Freeman, Associate Justice of said Supreme Court.
Eugene A. Fiske Esq. United States Attorney for the District of New Mexico.
Trinidad Romero. United States Attorney for the District of New Mexico.
Edward L. Bartlett Esq. Solicitor General for said Territory
Sammuel Burkhard. Clerk of said Supreme Court.

It is ordered by the Court that Miguel Romero be and he hereby is appointed Crier to the Court during the present term: and he thereupon appeare in open Court, and is duly sworn as such.

It is ordered by the Court that Jose D. Sena Jr., Cosme Delas and Frank Conklin be and they hereby are appointed Bailiffs to the Court during the present term: and they thereupon appear in open Court and are duly sworn as such.

United States of America.
Plaintiff in Error

1108 vs. } Debt on bond.

Alexander L. Morrison et al.
Defendants in Error

Now comes the said plaintiff in error by the U. S. Attorney, and says to the Court here that she will not further prosecute her said writ of error, but dismisses the same: It is therefore considered and adjudged by the Court that said writ of error be and the same hereby is dismissed, and that said defendants in error go hence without day.

... Next Day Monday January 5th, A. D. 1891.

1011 Andres Sena et al. Plaintiffs in Error
vs.
Geo. B. Caldwell & Co. Defendants in Error.
Error to District Court San Miguel County.

On motion of said plaintiffs in error by their solicitor Mr. Knaebel, It is ordered that they be and hereby are given until January 17th. 1891, to assign additional errors herein, and to file briefs.

413 Charles H. Gildersleeve, Plff. in Error.
vs.
Ada J. Atkinson, Admx &c. Defts. in Error.
Error to District Court Santa Fe County.

By agreement of said parties by their respective attorneys. It is ordered that said defendant in error be and hereby is given until January 17th. 1891. to file briefs herein.

411 August Kirchner, Appellee.
vs.
Aaron M. Laughlin, Appellant.
Appeal from District Court, Santa Fe County.

By agreement of said parties by their respective attorneys, It is ordered that said appellee be and hereby is given until January 17th. 1891. to file his briefs herein.

428 The Denver Northern Railroad Company, Plff. in Error
vs.
Jorge K. Hendricks et al. Defts. in Error.
Error to District Court San Miguel County.

Now come said defendants in error by their attorney, A. A. Jones Esq. and enter their appearance herein: and thereupon by agreement of said parties by their respective attorneys, It is ordered that said plaintiff in error have until January 15th. 1891. and said defendants in error have until January 25th, 1891. in which to file their briefs herein.

435 Wilson & Waddingham, Plffs. in Error.
vs.
Francisco Lucero et al. Defts. in Error.
Error to District Court San Miguel County.

Now come said defendants in error by their solicitor, Francis Downe Esq. and enter their appearance herein: and thereupon, by agreement of said parties, by their respective solicitors, It is ordered that said plaintiff in error have until January 17th. 1891. in which to assign errors and to file briefs herein, and that said defendants in error have until said day in which to file their briefs herein.

Forty First Day Monday January 8th A. D. 1894

111 Mitchell C. Minor et al. Appellants
vs.
J. H. Marshall, Appellee
} Appeal from District Court. Sierra County.

Now comes Edward L. Bartlett Esq. and appears herein with J. Morris Young Esq. for said appellants.

316 David A. Pryor. Appellee
vs.
The Portsmouth Cattle Company. Appellant.
} Appeal from District Court. San Miguel County.

Now comes said plaintiff, by his attorney. W. B. Sloan Esq. and moves the Court to advance this cause on the docket for reasons stated in open Court, and the Court, after hearing arguments of counsel, denies said motion.

1446 Antonio M. Arques. Appellee.
vs.
Casimero S. Lucero, et al. Appellants.
} Appeal from District Court. Valencia County.

Now comes said plaintiff and appellee by his attorney Mr. Field, and produces here in open Court a transcript of the record from the District Court of Valencia County, by which it appears that an appeal was allowed in this cause to this Court, and moves the Court to affirm the judgment of the lower Court against said appellants and the sureties on their appeal bond, with ten per cent. damages for reasons stated in his motion on file. The said motion being argued by Mr. Field and submitted to the Court, the Court, not being sufficiently advised in the premises, takes the same under advisement.

1417 The Territory of New Mexico. Appellee.
vs.
Vicente Sena. Appellant.
} Appeal from District Court. Rio Arriba County.

Now comes said plaintiff and appellee by her Solicitor General, and produces here in open Court a transcript of the record from the District Court of Rio Arriba County, by which it appears that an appeal was allowed in this cause to this Court, and moves the Court to affirm the judgment of the lower Court against said defendant and appellant for reasons stated in her motion on file; and the said motion being argued by Edward L. Bartlett, Solicitor General, and submitted to the Court, the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Second A'ty.

Court meets pursuant to adjournment.

Present as upon yesterday, and also the Honorable John R. McFie, Associate Justice of the Supreme Court of the Territory of New Mexico

The record of yesterday's proceedings is read and approved.

447 The Territory of New Mexico, Appellee vs. Vicente Sena, Appellant } Appeal from Rio Arriba County.

Now, the motion of said appellee to affirm the judgment of the lower Court having been argued by Counsel and submitted to the Court on yesterday, the Court being now sufficiently advised in the premises announces its decision, granting said motion and affirming said judgment. It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Rio Arriba County, in this cause came into this Court be and the same hereby is affirmed. And that in accordance therewith, said Vicente Sena be conveyed forthwith to the Territorial Penitentiary situated at Santa Fe, New Mexico, and that said Vicente Sena be there in said Territorial Penitentiary, confined and imprisoned for the full term of his natural life, and that a warrant of Commitment issue against him.

446 Antonio Abeytia, Appellee vs. Casimiro Sandoval, Appellant } Appeal from Valencia County

The motion of said appellee to affirm the judgment of the lower Court in this cause having been submitted to the Court on yesterday, the Court, being now sufficiently advised in the premises, announces its decision, granting said motion as to the affirmance of said judgment but denying the same as to the award of interest by said motion: It is therefore considered and adjudged by the Court that said judgment in this cause of the District Court of Valencia County, be and the same

within Court, be and the same hereby is affirmed, and that in accordance therewith, said plaintiff, Antonio Marquez, have and recover of and against said defendants and appellants, Casimero S. Lucero, Monico Montaño, and Doc R. Savedra the sum of two hundred dollars with interest thereon from April 16. 1890. at the rate of six per centum per annum, together with the costs of this appeal; and it appearing to the Court that J. Francisco Chaves and Romulo Varela are sureties on the appeal bond herein, It is further considered and adjudged by the Court, that said plaintiff, Antonio Marquez, recover of J. Franco. Chaves and Romulo Varela aforesaid, the said sum of two hundred dollars with interest and costs as aforesaid and that he have execution therefor

438 Excelsior Manufacturing Company Appellant
vs.
Jesse M. Woelcock. Appellee
} Appeal from Bernalillo County.

440 L. Berg and Co. Appellees
vs.
J. Badaraco. Appellant
} Appeal from Bernalillo County.

442 Territory of New Mexico. Appellee
vs.
Juanita Martinez de Cubriola. Appellant
} Appeal from Bernalillo County.

By agreement of said parties by their respective attorneys, It is ordered that the appellants in the foregoing three causes be and are hereby given until January 19. 1891. in which to assign errors and file briefs therein.

983 Pedro Perea. Garnisheeing.
Plff in Error
vs.
Colorado National Bank
Defendant in Error
} Error to Bernalillo County

Albuquerque National Bank
Appellant
vs.
415 Jose L. Perea et al. Appellees
} Appeal from Bernalillo County

By agreement of said parties by their respective attorneys. It is ordered that the foregoing two causes change their respective places on the hearing docket, and that said causes Number 1115 docket be set for hearing on January 8th 1891

the said cause number 383. be and hereby is set for hearing on January 12. 1891.

436 Edward Medeller. Plff in Error
vs.
The Albuquerque Hotel and Opera House Company Plff in Error } Error to Bernalillo County.

Now comes said defendant in error Smith by his attorney. W. S. Rodey Esq and enters his appearance herein and thereupon by agreement of said defendant in error and said plaintiff in error, It is ordered that said plaintiff in error be and is hereby given thirty days from today in which to assign errors and file briefs herein and that said defendant in error Smith be and is hereby given until the first day of the next regular term of this court in which to file his briefs herein.

431 Richard Green et al. Plff in Error
vs.
James Lucas Deft in Error } Error to Santa Fe County.

Now come said plaintiff in Error by their solicitor. Wl. Laughlin and say that they will not further prosecute their said writ but dismiss the same: It is therefore considered and adjudged by the Court that said writ of error be and hereby is dismissed, that said defendant in error go hence without day and recover of said plaintiff in error his costs in this behalf expended to be taxed and that execution issue therefor.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Third Day

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterday's proceedings is read & approved.

Now comes N P Laughlin Esq. an attorney of this Court, and moves the Court to admit John C Roode Esq as an attorney, solicitor and counsellor of this Court. and thereupon, the Court appoints Messrs Laughlin, Whiteman and Elliott to examine said applicant as to his qualifications to be so admitted; And thereupon said committee return their report to the Court, by which it appears that said applicant possesses the necessary qualifications to entitle him to admission to the Bar of this Court under the rules of this court and Mr Laughlin now filing a certificate as to the good moral character of said applicant ÷ It is ordered that said John C Roode Esq be and he hereby is admitted to practice as an attorney, solicitor and counsellor of this Court.

380 The Territory of New Mexico vs. Dorkee: Appellant } Appeal from Bernalillo County.

This cause having been submitted to the Court on briefs and taken under advisement at a former term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Lee reversing the judgment of the District Court and remanding this cause to that Court with directions to proceed therein in accordance with the opinion of the Court now filed. In which opinion, Chief Justice O'Brien and Associate Justices McFie and Seed concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Bernalillo County, wherein the said cause was brought to this Court be and the same hereby is vacated, reversed and set aside and this cause remanded to that Court with directions to proceed therein in accordance with the opinion of this Court herein;

Third Day Wednesday January 7th A. D. 1891

687 Edward L. Dohaney et al. Appellants } Appeal from
vs. } Sierra County.
John J. Bell et al. Appellees }

By agreement of said parties by their respective attorneys Mr. John J. Bell, attorney for said appellees stating to the Court here that said appellants have consented thereto. It is considered and adjudged by the Court, that said appeal be and the same hereby is dismissed, and that said appellants pay the costs of said suit in this Court to be taxed and that Execution issue therefor.

1404 Charles H. Gildersleeve. Plff. in Error } Error to
vs. } Santa Fe County
The New Mexico Mining Company et al. Defts. in Error }

This cause coming on for argument upon the record, additional record, assignment of errors and briefs filed herein, is argued by Mr. Burns, Mr. Preston and Mr. Fiske in behalf of said plaintiff in error, and by Mr. Bartlett in behalf of said defendant in error, and submitted to the Court: And the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fourth Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read and approved.

410 Miguel Salazar. Plff. in Error } Error to Santa
vs. } Fe County.
Robert H. Longwell. Defft in Error. }

This cause coming on for argument upon the record, assignment of errors and briefs filed herein, is argued by Mr. Catron for plaintiff in error and by Mr. Bartlett in behalf of said defendant in error, and submitted to the Court: And the Court not being sufficiently advised in the premises, takes the same under advisement.

Fourth Day. Tuesday January 8th A. D. 1861

Samuel L. Backelder and
Henry O. Backelder, Plff's. in Error. } Error to Santa
vs. } Fe County.
1:92. Francisco Chavez, Sheriff of
Santa Fe County, Deft. in Error.

This cause coming on for argument upon the record, assignment of errors and briefs filed herein, is argued in behalf of said plaintiffs in error by Wm. Sloan, and in behalf of said defendant in error by Thomas Smith Esq., and submitted to the Court; and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Fifth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

Now comes Octaviano Torres, an alien, and makes application to be admitted to become a citizen of the United States and it being made to appear to the satisfaction of the Court that, more than two years since, the said Octaviano Torres declared, on oath, before the Clerk of the 1st Judicial District Court of this Territory that it was bona fide, his intention to become a citizen of the United States, & to renounce forever all allegiance & fidelity to any foreign prince, potentate, state or sovereignty & particularly to the Republic of Mexico and it being further made to appear to the satisfaction of the Court, by the testimony, under oath, of Malaquias Martinez & Juan Bautista Vigil, citizens of the United States, that the said Octaviano Torres has resided within the United States five years at least, and within the Territory of New Mexico one year at least and that, during that time, he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States & well disposed to the good order & happiness of

the person & the said Octaviano Torres, declaring on oath that he will support the Constitution of the United States and that he absolutely & entirely renounces & abjures all allegiance & fidelity to every foreign prince, potentate, state or sovereignty, & particularly the Republic of Mexico.

It is ordered by the Court that the said Octaviano Torres be & he hereby is, admitted to become a citizen of United States.

418 William M. Cole vs. The Board of County Commissioners of Santa Fe County, Appellant. } Appeal from Santa Fe County.

This cause coming on to be heard upon the record, additional record, assignment of errors & briefs filed herein, is partly argued in behalf of said plaintiff & appellee by Mr Clancy & Mr Knaebel & in behalf of said defendant & appellant by Mr Field.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock

Sixth Day

Court meets pursuant to adjournment

Present as on yesterday

The record & proceedings is read & approved

418 William M. Cole, Appellee. vs. The Board of County Commissioners of Santa Fe County, Appellant } Appeal from Santa Fe County

This cause coming on to be heard upon the record, additional record, assignment of errors, & briefs filed therein, is partly argued in behalf of said appellee by Mr Knaebel & in behalf of said appellant by Mr Smith & Mr Seaghlin, & submitted to the Court, & the Court not being sufficiently advised in the premises, it is the same under advisement.

Seventh Day Monday January 12th A. D. 1874

Ordered that the Court do now adjourn until Monday morning at ten o'clock.

Seventh Day

Court meets pursuant to adjournment

Present as upon Saturday

The records of Saturday's proceedings is read and approved

373 George L. Brooks et al. Plff's. in Error. } Error to Circuit
vs. } Judicial Dist. Court.
The United States of America. Defts. in Error. }

By agreement of said parties by their respective attorneys, It is ordered that this cause be and hereby is re-set for hearing on the third Tuesday of the present term

381 The Town of Albuquerque. } Error to
Plaintiff in Error. }
vs. }
Charles Bezjen. Deft. in Error. }

Now comes said defendant in error by his solicitor Mr Field. and moves the Court to dismiss said writ of error for reasons stated in his motion and accompanying affidavits on file and said motion being argued by counsel, Mr Collier representing said plaintiff in error. and submitted to the Court. the Court not being sufficiently advised in the premises, takes the same under advisement.

415 The Albuquerque National Bank } Appeal
of Albuquerque. Appellant } from Bernalillo County.
vs. }
Jose L. Perea et al. Appellees. }

This cause coming on to be heard upon the records, the assignment of errors and briefs filed. is argued by counsel. Mr Childers appearing in behalf of said appellant and Mr Bartlett. Solicitor General, in behalf of said appellees. and submitted

to the Court, the Court not being sufficiently advised in the premises takes the same under advisement.

It is ordered that the Court do now adjourn until to morrow morning at ten o'clock.

Eighth Day

Court met pursuant to adjournment.

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

Guadalupe Sedarcia y Perea
vs.
Mariano Barela Exr. et al.
} Appeal from Doña Ana Co.

395 It is ordered that this cause be & hereby is set down for argument on the motion to dismiss, said defendants' motion for rehearing, on tomorrow morning.

United States Appellee
vs.
391 Morris Dalgreen Appellant
} Appeal from 3rd District.

Now comes said appellee by the U.S. Attorney & withdraws its motion heretofore filed to strike from the record the bill of exceptions therein. Whereupon, by agreement of said parties, It is ordered that this cause be & hereby is set for argument on January 22, 1891.

The Town of Albuquerque
vs.
311 Charles Gerge et al Intervenors
} Error to Bernalillo County.

The motion of said defendant in error to dismiss the said writ of error having been argued by counsel, & submitted to the Court & argued by the Court & fully advised in the premises,

announced its decision by Associate Justice Freeman, denying said motion for reasons stated in the opinion to be hereafter filed. It is therefore ordered that said motion be and the same hereby is denied.

On motion of H. S. Pickett Esq. It is ordered that A. B. S. Williams a member of the bar of the Fifth Judicial District of this Territory be and he hereby is admitted to practice as an attorney, solicitor and counsellor of this Court and the he the upon appears in open Court and takes the official oath prescribed by the rules of this Court.

392 Perfecto Arrijo. Admr. etc. et al. Appellees } Appeal
vs. } from Bernalillo
Lorenzo Abeytia et al. Appellants. } County.

This cause coming on to be heard upon the record, assignment of errors and briefs filed herein and the motion of said appellees to strike from the docket this cause, is argued by Mr. Childers in behalf of said appellants and by Mr. Field in behalf of said appellees and submitted to the Court, and the Court, not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock A.

Ninth Day

Court met pursuant to adjournment.

Present as heretofore yesterday

The records of yesterday is read and approved.

The Territory of New Mexico ex rel. Pedro Perea } Mandamus.
vs.
William H. Brinker.

Now comes said relator by his attorney. Mr.

Clancy appeared the Court for a peremptory writ of mandamus herein for reasons stated in open Court. Whereupon the said respondent by his attorneys. Wm Childers and Wm Fiske came and the Court being fully advised in the premises doth overrule said motion.

Pedro Pereu, Garnishee &c. Plaintiff in Error
vs.
The Colorado National Bank, Deft. in Error
} Error to Bernalillo County.

383. This cause coming on to be heard upon the transcript of record, additional transcript, assignment of errors, the motion of defendant in error to eliminate from and strike out of the said transcript of record certain portions of said record mentioned in said motion, and the briefs filed herein, to argued by Mr Clancy in behalf of said plaintiff in error and by Mr Childers and Mr Fiske in behalf of said defendant in error, and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

Guadalupe S. de Garcia y Pereu. Appellee
vs.
Mariano Barela et al. Appellant.
} Appeal from Doña Ana County

Now comes said appellee by her solicitor, Mr. Necessary to dismiss
Necessary, and moves the Court, the motion for a rehearing heretofore filed herein by said appellant for reasons stated in the motion on file and said motion being argued by Mr Necessary in support thereof and by Mr Clancy in opposition thereto. And submitted to the Court. The Court not being sufficiently advised in the premises, takes the same under advisement.

Charles A. Lewis and Jessie A. Lewis, Appellants
vs.
Wallace Douglass. Appellee.
} Appeal from Bernalillo County.

Now comes J. N. Knaebel Esq. attorney for said appellants, and presents to the Court here the mandate of the Supreme Court of the United States, by which it appears that the cause having been regularly brought to said Court by said appellants, and the decree rendered by the Court on the 6th day of October A.D. 1888, the said

Ninth Day Wednesday January Term A. D. 1851

ment of the Court herein was affirmed and this Cause remanded to this Court for execution, and thereupon from the Court to understood proceed in accordance with said mandate and the Court proceeds said motion. It is therefore considered and adjudged by the Court that said appellants recover of said appellee their costs in this behalf expended, as well in the Supreme Court of the State aforesaid the District Court of Bernalillo County, as in this Court, to be levied and that he have execution issue therefor.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Tenth Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

2119 William D Childers, Trustee, Appellant vs. John A. Lee, Executor &c. Appellee } Appeal from Bernal ills County.

This cause coming on to be heard upon the transcript of record, assignment of errors, & briefs filed herein, is argued by Mr. Childers in behalf of said appellant and by Mr. Field, in behalf of said appellee, and submitted to the Court, and the Court not being sufficiently advised in the premises, the same is under advisement.

2186 Jesse W. Ellis, Appellee vs. John H. Mecobrough et al Appellants } Appeal from Doña Ana Co.

By agreement of said parties by their respective attorneys, It is ordered that this cause be and the

same hereby is recalled for rehearing on the 2nd day of January 1891.

417 Bachelder Brothers, Plaintiffs in Error } Error to
vs. } Santa Fé
Francisco Chaves, Sheriff, Deft in Error } County

This cause having been argued by counsel and submitted to be taken under advisement by the Court, and a former day of the present Term, the Court, being now sufficiently advised in the premises announces its decision by Associate Justice Freeman reversing the judgment of the Court below, and remanding this cause to that Court with directions to permit said plaintiffs in error to amend the execution offered in evidence so that it will conform to the judgment upon which it was issued; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Santa Fé County, whence this cause came into this Court, be and the same hereby is reversed, treated for naught and held for nothing, and this cause remanded to that Court with directions to permit the said plaintiffs in error to make such amendments of the execution offered in evidence as will make it conform to the judgment upon which it was issued, and to grant said plaintiffs in error a new trial therein; And it is further considered and adjudged by the Court that said plaintiffs in error recover of said defendant in error their costs in this behalf in this Court to be levied, that they have execution therefor.

298 Lynch, Prather, Appellees } Appeal from
vs. } Dist. Ct.
The Aztec Mining Company, Appellants } County.

This cause coming on to be heard on the transcript of record, and argument of counsel, briefs filed herein, to be argued by Wm. Elliott in behalf of said appellants.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Eleventh Day.

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterday's proceedings is read and approved.

298. Lynch Brothers, Appellees. vs. Grayson & Company, Appellants. } Appeal from Dona Ana County.

This cause coming on again to be heard upon the record, assignment of errors and briefs filed herein, is further argued in behalf of said appellants by Mr. Catron, and in behalf of said appellees by Mr. Wade and Mr. Newcomb, and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

457 Harry W. Elliott, Appellee vs. Meredith & Ailman, Appellants } Appeal from Sierra County.

Now comes said plaintiff & appellee by his attorneys, Messrs. Elliott & Pickett, & produces here in open Court a transcript of the record in this cause from which it appears that an appeal was taken by said appellants from the judgment in this cause of the District Court of Sierra County, & moves the Court to affirm said judgment with ten percent damages for reasons stated in open Court & in his motion on file. & said motion being argued & submitted to the Court: the Court, being sufficiently advised in the premises, grants the same: It is therefore considered & adjudged by the Court that said judgment of the District Court of Sierra County, wherein this cause came to this Court, in this cause, be and the same hereby is, affirmed with ten per cent damages. And that in accordance therewith, said appellee Harry W. Elliott, recover of said defendants & appellants, Meredith & Ailman the sum of Twenty eight hundred & ninety two dollars & forty eight cents, being the amount of said judgment, twenty three hundred & ninety five dollars & ninety three cents, with interest thereon from the date of said judgment, June 1. 1889, until to-day, at the rate of six per cent per annum. & ten per cent damages thereon awarded

by this Court. Together with his costs in this behalf expended, as well in the Lower Court as in this Court to be taxed &c that he have execution therefor;

And it appearing to the Court that notice of garnishment under the attachment herein issued was duly served on Nelson Harrington, Daniel Conner &c A.E. Head, and interrogatories propounded to said garnishees &c by the said garnishees answered said interrogatories respectively as follows, to wit: the said Nelson Harrington that he was indebted to said Meredith &c Ailman, or to George D. Goldman their assignee, at the time of so answering in the sum of between two thousand eight hundred &c three thousand dollars: the said Daniel Conner that he was indebted to the said Meredith &c Ailman, on the twenty day of December, 1887, in the sum of about three thousand seven hundred dollars, or three thousand eight hundred dollars, &c that no part of the same had ever been paid, but that he was not able to state if such indebtedness was owing from him to said Meredith &c Ailman or to George D. Goldman, their assignee; and A.E. Head, that on the 30th day of June, A.D. 1887, he made a promissory note to Meredith &c Ailman, &c that a part of said note was paid leaving a balance due on it, of principal &c interest on the 12th of December, 1887, of four hundred &c five &c thirty three one hundredths dollars, which he owed to George D. Goldman, as assignee of the said Meredith &c Ailman: It is further considered &c adjudged by the Court hereupon that the said plaintiff &c appellee Henry W. Elliott, do have &c recover of &c from the said Nelson Harrington, Daniel Conner &c A.E. Head, or from any, or either of them, the amount of their admitted indebtedness, to the said Meredith &c Ailman, or to George D. Goldman, their assignee, to the amount &c extent of the judgment hereinbefore rendered herein in favor of the said Henry W. Elliott &c against the said Meredith &c Ailman for the sum of twenty eight hundred &c ninety two dollars &c forty eight cents, and the costs of this suit as aforesaid to be levied of &c which execution may issue against any or either of said garnishees: &c It is further considered &c adjudged by the Court, that said Daniel Conner, Nelson Harrington or A.E. Head be released from the operation &c extent of the said Meredith &c Ailman &c

Eleventh Day. Friday January Sixteenth A. D. 1891

George D. Goldman their assignee of any sum recovered from them by the said Harry M. Elliott upon their judgment.

And it appearing to the Court that John Brockman and Max Schutz are sureties on appellants' appeal bond herein: It is further considered and adjudged by the Court that said plaintiff, Harry M. Elliott, recover of said John Brockman and Max Schutz sureties as aforesaid the said sum of twenty eight hundred and ninety two dollars and forty eight Cents, together with his costs in this behalf expended to be taxed and that he have execution therefor.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Twelfth Day

Court meets pursuant to adjournment.

Present as upon yesterday except the Chief Justice and Associate Justices Lee and McFie.

The record of yesterday's proceedings is

It is ordered that the Court do now adjourn until Monday morning at ten o'clock.

Thirteenth Day

Court meets pursuant to adjournment

Present as upon Saturday. and also Chief Justice O'Brien and Associate Justices Lee and McFie.

The record of Saturdays proceedings is read and approved.

On motion of E. A. Fiske. Esq. It is ordered that Columbus Morse. Esq. a member of the bar of the Fourth Judicial District Court of this Territory be and hereby is, admitted to practice as an attorney. solicitor & counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

On motion of E. A. Fiske. Esq. It is ordered that Manuel C. de Baca. Esq a member of the bar of the Fourth Judicial District Court of this Territory be and hereby is, admitted to practice as an attorney. solicitor and counsellor of this Court and he thereupon appears in open Court and takes the official oath prescribed by the rules of the Court.

436 Edward Medler. Plff in Error. vs. The Albuquerque Hotel and Opera House Company et al. } Error to Bernalillo County.

Now comes said plaintiff in error. and says to the Court here that he will not further prosecute. his said writ of error but dismisses the same without prejudice: It is therefore ordered. adjudged and decreed by the Court that said writ of error be and the same hereby is dismissed and this cause remanded to the District Court of Bernalillo County. with directions to proceed thereon. the same as though said writ of error had not been issued: and It is further considered and adjudged by the Court that said plaintiff in error pay the costs in this behalf expended to be taxed and that execution issue therefor.

401 Jaffa & Cahn et al. vs. H. M. Whitbeck et al. } Error to District Court of Grant County.

Thirteenth Day Monday January Nineteenth A. D. 1891

In accordance with the stipulation of said parties filed herein: It is ordered that this cause stands continued until the next term of Court

413 Mitchell A. Mines et al. Appellants
vs.
J. H. Marshall Appellee
} Appeal from Sierra County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein, is argued by Mr. Bartlett in behalf of said appellants and by Mr. Elliott in behalf of said appellee and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

414 United States, Appellee
vs.
Francis E. Saucier et al. Appellants
} Appeal from 3rd District.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein, is argued by Mr. Pickett and Mr. Elliott in behalf of said appellants and by Mr. Geo. Cuyler Preston in behalf of said appellee and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

421 Larkin F. Bell et al. Appellees
vs.
Minor M. Gaylord et al. Appellants
} Appeal from Lincoln County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein, is argued by Mr. Ferguson in behalf of said appellants, and by Mr. Hewitt in behalf of said appellee and submitted to the Court, and the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Fourteenth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

438 The New Mexican Railroad Company vs. George B. Hendricks et al. Dfts in Error. } Error to San Miguel County.

By agreement of said parties by their respective attorneys. It is ordered that this cause be & hereby is continued until the next term of Court & that said defendants in error have until the first day of the next term of Court in which to file their briefs herein.

439 John F. Lacey. Appellee. vs. James C. Woodward et al. Appellants. } Appeal from Sierra County.

This cause coming on to be heard upon the transcript of record, assignment of error & briefs filed herein is argued by Mr Pickett in behalf of said appellants & by Mr Hart in behalf of said appellee & submitted to the Court & the Court, not being sufficiently advised in the premises, takes the same under advisement.

Harold C. Fraser Appellee. vs. The Southwestern Cattle Company, Appellant. } Appeal from San Miguel Co.

This cause coming on to be heard upon the transcript of record, assignment of errors & briefs filed herein, is argued by Mr Spencer in behalf of said appellant & by Mr Sloan, Asst in behalf of said appellee & submitted to the Court & the Court, not being sufficiently advised in the premises, takes the same under advisement.

Ordered that the Court do now adjourn until to morrow morning at ten o'clock

[illegible]

[illegible] argument to-day.

[illegible] cause [illegible]

[illegible] cause [illegible] proceeding in error [illegible].

388 Francisco S. de Herrera et al. Appellees
vs.
Juan Jose Baca, Executor &c. Appellants
} Appeal from District Court of Dona Ana County

Motion of said appellees to dismiss appeal from the filing of motion of said appellants for a rehearing heretofore filed herein having been heretofore argued, by counsel submitted & taken under advisement by the Court, & the Court being now sufficiently advised in the premises. **denies** the same.

389 Nicolas Montoya et al. Appellees
vs.
Alexander McFie et al. Appellants.
} Appeal from District Court of San Miguel Co.

Motion of appellees to dismiss appeal for failure of appellants to file abstract of record & brief filed herein. Argued by Mr. Catron in behalf of said motion & by Mr. Dalton in behalf of appellants, & submitted to the Court & the Court not being sufficiently advised in the premises.

390 Juan Jose Montoya et al. Plaintiffs in Error
vs.
Eugenio Romero et al. Defendants in Error
} Error to District Court. San Miguel Co.

This cause coming on to be heard upon the transcript of record, assignment of errors & brief filed herein, & argued by Mr. Fiel[illegible] in behalf of said plaintiffs in error & by Mr. Geo. C. Preston in behalf of defendants in error. & the Court being sufficiently advised in the premises.

391 Geo. L. Brown et al. Plaintiffs in Error
vs.
Lucas Sales. Defendant in Error
} Error to Dist. Court Second District.

This cause coming on to be heard upon the transcript of record, assignment of errors & brief filed herein, argued by Mr. Fiel[illegible] in behalf of plaintiffs in error & by Mr. Geo. C. Preston in behalf of defendant in error. & the Court being sufficiently advised in the premises.

taken the same under advisement.

381 The Town of Albuquerque, Plff in Error } Error to
vs. } Bernalillo
Charles Zeiger, Deft in Error. } County.

This cause coming on to be heard upon the transcript of record & assignment of errors & briefs filed herein, is argued by Mr H.C. Collier in behalf of said plaintiff-in-error & by Mr Field in behalf of said defendant-in-error and submitted to the Court, & the Court not being sufficiently advised in the premises, takes the same under advisement.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Sixteenth Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

391 United States of America, Appellee } Appeal from
vs. } 3rd Judicial
Morris Wolgemuth, Appellant } District Court.

By agreement of said parties by their respec. their attorneys, this cause is submitted to the Court on the transcript of record, assignment of errors & briefs filed & is taken under advisement by the Court.

390 Peter Trambley et al, Appellees } Appeal from San
vs. } Miguel County.
Georgie Lidemann Appellant

By agreement of said parties by their respec. their solicitors, this cause is submitted to the Court on the transcript of record, assignment of errors & briefs filed & is taken under ad-

visement by the Court.

399 The Maxwell Land Grant Company vs. Jacinto Santistevan. Deft in Error } Error to Colfax County.

By agreement of said parties by their respective attorneys. the said defendant in error is given sixty days from today in which to file his briefs herein & this cause is submitted to the Court upon the transcript of record, assignment of errors any briefs filed any to be hereafter as aforesaid, filed herein any taken under advisement by the Court.

404 Andres Dena et al. Plaintiffs in Error vs. Gross. Blackwell & Company. Defts in Error } Error to San Miguel County.

By agreement of said parties by their respective attorneys. the said defendants in error are given sixty days from today in which to file their briefs herein any this cause is submitted to the Court upon the transcript of record, assignment of errors any briefs filed any to be hereafter as aforesaid filed herein. any taken under advisement by the Court.

411 Board of County Commissioners of San Miguel County. Plaintiff in Error vs. William L. Pierce. Defendant in Error. } Error to San Miguel County.

By agreement of said parties by their respective attorneys. the said defendant in Error is given sixty days from today in which to file his briefs herein, any the said plaintiff in error is given sixty days thereafter to reply thereto any this cause is submitted to the Court on the transcript of record. assignment of errors any briefs to be hereafter as aforesaid filed therein.

427 M. M. Milligan. Appellee vs. Pelix Roth. Appellant. } Appeal from San Miguel Co.

Now comes said appellee by his attorney. Mr Springer and moves the Court to affirm the judgment of the lower Court with ten per cent damages for reasons stated in his motion on file. & by said motion being argued by counsel and submitted to the Court and the Court not being

sufficiently advised in the premises, takes the same under advisement.

386 Jesse M Ellis. Appellee
vs.
John H Neobrough et al. Appellants
} Appeal from Dona Ana County.

This cause coming on to be heard upon the transcript of record, assignment of errors and briefs filed herein is argued by Mr Pickett and Mr Elliott in behalf of said appellants and by Mr Bell in behalf of said appellee, and submitted to the Court. and the Court not being sufficiently advised in the premises, takes the same under advisement.

On motion of E. A Fike Esq. It is ordered that Elisha V. Long, late Chief Justice of this Court, be and he hereby is admitted to practice as an attorney, solicitor and Counsellor of this Court, and he is thereupon sworn in accordance with the rules of this Court and signs the roll of attorneys.

Juana Maria Gongales de Martinez and Romaldo Martinez. Appellants
vs.
460 Eugenio Romero. Appellee
} Appeal from San Miguel County.

Now comes said appellee by his attorney Mr Catron and produces here in open Court a transcript of the record of this cause from the lower Court, duly authenticated, by which it appears that an appeal was taken by said appellants from the judgment of the District Court of San Miguel County, and moves the Court to affirm the judgment of said Court with ten per cent damages for reasons stated in his motion on file and said motion being submitted to the Court, the Court being duly advised in the premises: It is therefore considered and adjudged by the Court that the judgment and decree of the District Court of San Miguel County rendered in the cause aforesaid be and the same is hereby affirmed with ten per cent damages thereon, and that in accordance therewith, said appellee Eugenio Romero, recover of said appellants Juana Maria Gongales de Martinez and Romaldo Martinez the sum of twenty six hundred and three dollars and seventy cents, that being the amount of said judgment twenty six hundred (and forty cents dollars

Sixteenth Day Thursday January Ninety Seven A. D. 1897.

with interest thereon at the rate of six per cent per annum from the date thereof June 14. 1888 until paid and the ten per cent damages hereby awarded, and that he also recover of said appellants his costs in this behalf expended, and that in the lower Court, and in this Court to be taxed and that he have execution therefor: and it appearing to the Court that Felix Martinez and O. H. Shipp are sureties on the appeal bond herein: It is further considered and adjudged by the Court that said appellee, Eugenio Romero recover of said Felix Martinez and O. H. Shipp, sureties aforesaid, the said sum of twenty six hundred and three dollars and seventy five cents with his costs and aforesaid and that he have execution therefor.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Seventeenth Day

Court meets pursuant to adjournment.

Present as upon yesterday.

The record of yesterdays proceedings is read and approved.

416. George W. Pritchard et al Appellees } Appeal from
vs. } District Court
The Solitaire Mining and Milling Company. Appellant. } of Lincoln County.

Now come said parties by their respective attorneys and present to the Court here their stipulation and agreement in writing by which it is among other things agreed between said parties that the judgment in this cause of the lower Court shall be reversed and that this cause shall be remanded to said Court with directions to proceed therein in accordance with the terms of said agreement: It is therefore in accordance with the terms of said agreement, considered and adjudged

by the Court that the judgment in the cause of the District Court of Lincoln County, whereof the cause came into this Court to be reviewed be and the same is hereby in every respect vacated and this cause remanded to said District Court with directions to proceed therein in accordance with the terms of the written agreement of said parties entered into by them on the 13th day of September, 1890, by which it is among other things agreed that this cause shall be dismissed in said District Court at the costs of said Appellant: It is further considered and adjudged by the Court that said appellant pay the costs of this suit in this Court to be taxed and that execution issue therefor.

461 In the matter of the application of John Hobson and Theodore Manning for a writ of habeas corpus

Now come said petitioners by their attorneys Messrs. Dixon and Smith, and present to the Court their petition for a writ of habeas corpus: and after hearing read the said petition it is ordered by the Court that a writ of habeas corpus, directed to Francisco Chaves, Sheriff of Santa Fe County, returnable before this Court at 2 o'clock P.M. of today, issue.

1163 In the matter of the application of Pedro Delgado for a writ of habeas corpus

Now come said petitioner by his attorneys Messrs. Dixon and Mr. Laughlin, and present to the Court their petition for a writ of habeas corpus and after hearing the said petition read; It is ordered by the Court that a writ of habeas corpus directed to Francisco Chaves, Sheriff of Santa Fe County, M.T., returnable at 2 o'clock P.M. of today.

1161 In the matter of the application of John McClean and Theodore Manning for a writ of habeas Corpus.

Now come said petitioners by their attorneys Messrs. Dixon and Mr. Laughlin, and present to the Court their petition for a writ of habeas corpus and after hearing the said petition read; It is ordered by the Court that a writ of habeas corpus issue directed to Francisco Chaves, Sheriff of Santa Fe County, returnable before this Court at the hour of 2 o'clock P.M. of today, and that upon the said petitioners John McClean and Theodore Manning entering into recognizance in the sum of Five Hundred Dollars each with sufficient sureties to be approved by the Clerk of this Court conditioned that they will appear before this Court from day to day and from term to term thereof and abide the order and judgment of this Court in the premises, the said petitioners be discharged from the custody of the said Francisco Chaves, Sheriff as aforesaid.

Seventeenth Day Friday January Twenty Third A. D. 1891

learn to said court by showing the true cause of the detention and imprisonment of said petitioners, and thereupon proceeding coming on to be heard upon the said petition, the return of said sheriff thereto, and the motion of the attorneys, Mr. Knabel and Mr. Bartlett, opposing the granting of said petition to quash said writ of habeas corpus, is argued by counsel and submitted to the Court, and the Court, the Court not being sufficiently advised in the premises, takes the same under advisement, and on motion of said petitioners by their said attorneys,

It is ordered that said petitioners be released from the custody of said Sheriff, upon their giving bail in the sum of five hundred dollars to be approved by the Clerk of this Court, until the decision of this Court is reached in the premises.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Eighteenth Day

Court meets pursuant to adjournment,

Present as upon yesterday,

The record of yesterday's proceedings is read and approved,

In the matter of the Petition of Pedro Delgado } Habeas Corpus,
462

On motion of the said petitioner, the hearing of this proceeding is postponed until next Monday,

It is ordered that the Court do now adjourn until Monday morning at ten o'clock,

Plaintiff's Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings is read and approved.

462 In the matter of the application of Pedro Delgado } Habeas Corpus.

Now comes the Sheriff of Santa Fé County Francisco Chaves, and presents to the Court here the said Pedro Delgado, who is attended by counsel, Messrs. Spaight & Downs and Burns, and also makes return to said writ by showing the time and cause of the detention and imprisonment, and thereupon this proceeding coming on to be heard upon the said petition, the return of said Sheriff thereto and the motion of the attorneys opposing said petition, Messrs Knabel and Bartlett to quash said writ of habeas corpus, to which exception by counsel was submitted to the Court and the Court not being sufficiently advised in the premises, takes the same under advisement: and on motion of said petitioners attorneys. It is ordered that said petitioner be released from the custody of said Sheriff until the decision of this Court shall be had in the premises, upon his filing a bond in the sum of five hundred dollars for his appearance, to be approved by the Clerk.

Miguel Baca &c. Plaintiff in Error } Error to
vs. } Santa Fé
Robert H. Longwill. Defendant in Error } County

This cause having been argued by counsel and submitted to the Court to be taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by the Associate Justice Lee, affirming the judgment of the Court below, for reasons stated in the opinion on file, all the members of the Court concurring; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Santa Fé County, be and the same hereby is affirmed and that, in accordance therewith, said defendant in

Nineteenth Day Monday January Ninth A. D. 1871

Error pocketed and Court day by recovery of said plaintiff in error his costs in this behalf expended, as well in the Lower Court as in this Court, to be levied &c that he have execution therefor;

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Twentieth Day

Court meets pursuant to adjournment.

Present as upon yesterday

The records of yesterday's proceedings is read & approved.

On motion of L. C. Fox. Esq. It is ordered that Lloyd Dunbar Esq. a member of the bar of the Fourth Judicial District of this Territory, be and he is hereby admitted to practice as an attorney, solicitor and counsellor of this Court and he thereupon appeared in open Court and take the official oath prescribed by the rules of this Court,

It is ordered that the Court do now adjourn until to-morrow morning at ten o'clock.

Twenty First Day

Court meets pursuant to adjournment.

Present as upon yesterday

The record of yesterday's proceedings is read & approved.

John O'F. Lacy
vs.
Jerre O. Goodloe & al.

(Appeal from) District Court of Sierra County.

This cause having been argued by counsel and submitted to the Court for their consideration & decision

xt the former day of the present term the Court having more
efficiently advised of the premises, announces its decis-
ion by Associate Justice Lee, affirming the judgment of
the Court below, all the members of the Court concur-
ring in the opinion on file; It is therefore Considered
and Adjudged by the Court that the judgment rendered in this cause
of the District Court of Sierra County, remanded at
the June term into this Court, be and the same hereby is af-
firmed; and that in accordance therewith, said plaintiff
in error John T. Lacy, do have and recover of and from
said defendants, James C. Woodward, George W. Carril
and A. M. Jones, the possession of the following
described premises to-wit; "Beginning at a monument
of stones erected at the center of the west end of the claim
and running three hundred feet in a northerly direction
to a monument of stones, thence fifteen hundred feet in
an easterly direction to a monument of stones; thence
three hundred feet in a southerly direction to a
monument of stones, being the center of the east end of
claim; thence three hundred feet in a southerly di-
rection to a monument of stones; thence fifteen hun-
dred feet in a westerly direction to a monument of
stones, thence three hundred feet in a northerly di-
rection to the place of beginning; as the same ap-
pears in the Grant County Records in Book 9
of Mining Locations, at pages 86 & 87; said claims
well monumented with the corners properly de-
signated on the ground about one mile southwest of Silver
City on about one half of a mile west of the mine
known as the "Old Timer" mine, in Precinct No. 3
in the County of Grant in Territory of New Mexico
and that they have a right of possession thereof.
And It is further considered and adjudged by
the Court that said plaintiff John T. Lacy do
have and recover of and from the said defendants,
James C. Woodward, George W. Carril and
A. M. Jones, the sum of four hundred dollars,
with interest thereon at the rate of six per cent
per annum from the 20th day of November 1889, to-
gether with the costs in this behalf expended to be
taxed and collected by the Lower Court, as in this
Court, and that execution do thereof
Court, and that the Court that Writ of
may Issue. And Whereas heretofore on the
Term, to wit the [illegible] day of [illegible]
the Court [illegible]

Twenty Sixth Day. Wednesday, January Twenty Eighth A. D. 1891.

Mary Blackmore Bell & Thomas C. Yale, executors &c. appellants, the said amount of five hundred dollars to-gether with the interest thereon & costs aforesaid & which shall & may be executed therefor.

982 Imelda J. Maris, Auditor, &c. Effie Error } Error to
vs. } Dist. of Miguel.
Eugenio Romero Defendant in Error } County.

This cause having been argued by counsel & sub-mitted to, & taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Associate Justice Freeman, reversing the judgment of the lower Court, & dismissing said peremptory writ of mandamus, for reasons stated in the opinion on file & the members of the Court concurring; It is therefore considered & adjudged by the Court that the judgment in this cause of the District Court of San Miguel County, rendered this cause came into this Court, be & the same hereby is reversed & vacated & set aside, & that the said peremptory writ of mandamus be & the same hereby is dismissed; that said plaintiff in error recover of said defendant in error his costs in this behalf expended, as well in the lower Court as in this Court, and that he have execution therefor.

415 Albuquerque National Bank, Appellant } Appeal
vs. } from Bernal-
Jose L. Pena et al. Appellees. } illo County.

This cause having been argued by counsel & sub-mitted to, & taken under advisement by the Court at a former day of the present term, the Court being now sufficiently advised in the premises, announces its decision by Chief Justice O'Brien, affirming the de-cree of the Court below, for reasons stated in the opinion on file, Associate Justices Wells, Freeman, Reed & Collier concurring; It is therefore ordered, adjudged & decreed by the Court that the decree in this cause of the District Court of Bernalillo County, whereof this cause came into this Court, be & the same hereby is affirmed & that, in accordance therewith, said bill & supplemental bill of complaint be & the same hereby are dismissed & that said appellant pay the costs of this suit, as well in the lower Court as in this Court, to be taxed & that execution issue therefor.

Twenty first Day Wednesday January Twenty Eighth A. D. 1891

1127 Madison M. Milligan, Appellee } Appeal from
vs. } District Court
Peter Rath, Appellant. } San Miguel Co.

The motion of said appellee to affirm the judgment of the lower Court in this cause with ten per cent damages having been submitted to the Court at a former day, the Court, being now sufficiently advised in the premises, announces its decision, granting said motion as to the affirmance of said judgment, but denies the same as to awarding damages: It is therefore considered and adjudged by the Court that said plaintiff, Madison M. Milligan, in accordance with the judgment in this cause of the District Court of San Miguel County, rendered in said Court, which judgment is hereby affirmed, recover of said defendant, Peter Rath, the sum of two hundred dollars and ---- cents, with interest thereon at the rate of six per cent per annum from Dec. 21st 1889 together with his costs in this behalf expended, as well in the lower Court as in this Court, to be levied and that execution therefor: And it appearing to the Court that W. D. Higgins and William R. Williams are sureties on the appeal bond herein: It is further considered and adjudged by the Court that said plaintiff Madison M. Milligan recover of said W. D. Higgins and William R. Williams sureties as aforesaid, the said sum of two hundred dollars and costs as aforesaid together with interest at the rate of six per cent per annum from Dec. 21st 1889 and costs as aforesaid. And that he have execution therefor.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Twenty Second Day

Court met pursuant to adjournment

Present as upon yesterday

The record of yesterday's proceedings was read & approved.

It is ordered that the Court do now adjourn until tomorrow morning at ten o'clock.

Twenty Third Day Friday January Thirteenth A. D. 1891

Twenty Third Day

Court meets pursuant to adjournment

Present as upon yesterday

The record of yesterdays proceedings is read & approved.

On motion of T. B. Catron. Esq. It is ordered that Granville A. Richardson. a member of the bar of the Fifth Judicial Dis. trict Court of this Territory. be & he hereby is admitted to practice as an attorney. & solicitor & counsellor, of this Court & he thereupon appears in open Court & is duly sworn as such.

It is ordered that the Court do now adjourn until to. morrow morning at ten oclock.

Twenty Fourth Day

Court meets pursuant to adjournment

Present as upon yesterday.

The record of yesterdays proceedings is read & approved.

Thereupon Trinidad Romero. U.S. Marshal. has rendered to this Court an account of his fees & expenses from the 5th day of January, to the 31st day of January, 1891, with the vouchers & items thereof. & in presence of E. L. Fiske, U.S. Attorney. has proved on oath to the satisfaction of the Court that the services & travel charged therein were actually & necessarily performed. & that the expenses were necessarily incurred. & that on each day for which per diem is charged business was actually transacted therein, or that the Court was opened by the Judge for the transaction of business: & the said charges appear to be just & according to law: It is hereby ordered that said account, amounting to three thousand two hundred & seven dollars & eighty one cents. be & the same hereby is approved.

I, Thereupon Trinidad Romero. United States Marshal has rendered to this Court an account of his dis-

Vouchers for Miscellaneous Expenses incurred at the previous Term of this Court, with the Vouchers and items thereof, and in presence of E. A. Fiske, U.S. Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid, in lawful money; and whereas said charges appear to be just and according to law:

It is hereby ordered that the said account, amounting to nineteen dollars and thirty cents be and the same is hereby approved.

Whereas Trinidad Romero, U.S. Marshal, has presented to this Court an account of disbursements for pay of bailiffs incurred at the previous Term of the January Term, 1891, at Santa Fé, of the Supreme Court, with the vouchers and items thereof, and in presence of E. A. Fiske, U.S. Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid, in lawful money; and whereas said charges appear to be just and according to law; It is hereby ordered that the said account, amounting to one hundred and ninety two dollars and — cents, be and the same is hereby approved.

Whereas Eugene A. Fiske, U.S. Attorney, has presented to this Court his account for services performed at the present term of this Court, with the items thereof and has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and that the disbursements charged have been fully paid, in lawful money; and whereas said charges appear to be just and according to law; It is ordered that the said account, amounting to one hundred and [illegible]

under Section 10, Chapter 10, Session Laws of 1887. February 24, 1887. It is hereby ordered that all volumes of law books now owned by the Territory of New Mexico, consisting of reports, digests, statutes, text books, any other law publications, any all additions thereto, shall be any are hereby ordered to be placed in the rooms adjoining the Supreme Court room in the Capital Building of the Territory of New Mexico. And It is further ordered any directed that the necessary expense for shelving to receive any hold said volumes, any such other necessary expense as shall be incurred in placing said shelving any volumes in said rooms, shall be paid out of the Territorial Treasury as provided in said Act. not to exceed four hundred dollars.

James O'Brien
Chief Justice Sup. Ct.

438 Excelsior Manufacturing Company } Appeal from
vs. } Bernalillo
Jessi M. Wheelock, Appellee } County.

440 T. Berg any Co. Appellees } Appeal from
vs. } Bernalillo
G. Badaracco Appellant } County

442 The Territory of New Mexico. Appellee } Appeal from
vs } Bernalillo
Juana Martinez de Cubiola } County.

On motion of the appellants in the foregoing three causes by their attorney, Mr. Childers. It is ordered that said appellants have until the first day of April, 1891. to file their briefs therein.

419 William B Childers, Trustee, Appellant } Appeal
vs. } from Bernalillo
John A. Lee, Executor, &c Appellee } County;

This cause having been argued by counsel, any submitted to any taken under advisement by the Court at a former day, the Court, now being sufficiently advised in the premises, announces its decision, by Associate Justice Seeds, affirming the judgment of the Court below, for reasons stated in the opinion on file, all the members of the Court concurring; It is therefore Considered any Adjudged by the Court that the judgment in this cause of the District Court of Bernalillo County rendered this

cause came into this Court by the same hereby is affirmed. And that in accordance therewith said plaintiff and appellant take nothing by this writ, that said defendant go hence without day, and that plaintiff pay the costs of this suit, as well in the lower Court as in this Court and that execution issue therefor.

Perfecto Arrijo. Executor etc. et al. } Appeal from
vs. } Bernalillo County.
392 Lorenzo Abeytia et al. Appellants.

This cause having been argued by counsel and submitted to and taken under advisement by the Court, this Court being now sufficiently advised in the premises, announces its decision by Associate Justice Seeds, affirming the judgment of the lower Court, with modifications, for reasons stated in the opinion on file, all the members of the Court concurring: It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Bernalillo County, whence this cause came into this Court be and the same hereby is affirmed for the sum of five thousand two hundred and twenty nine dollars and forty two cents and that said appellees, Perfecto Arrijo, Executor and Gregoria de J. Arrijo, executrix, of the last will and testament of Cornelio Arrijo, record of said defendants, Lorenzo A. Abeytia, Dionicia B. Abeytia the record sum of five thousand two hundred and twenty nine dollars and forty two cents, with interest thereon from the 5th day of October, 1888, together with their costs in this cause expended as well in the lower Court as in this Court to be taxed and that they have execution therefor.

On motion of W. B. Childers, Esq. It is ordered that Harry M. Dougherty, Esq. a member of the bar of the Fifth Judicial District Court of this Territory, be and hereby is admitted to practice as an attorney and counsellor of this Court and that he subscribe the roll of this Court and take the official oath prescribed by the rules of this Court.

On motion of W. B. Childers, Esq. It is ordered that A. M. Conklin, Esq. be admitted as a member of the bar of the First Judicial District of this Territory, for and during the

admitted to practice as an attorney, solicitor and counsellor of this Court. and he is thereupon duly sworn as such.

998 Lynch Brokers. Appellees
vs.
Grayson and Company. Appellants
} Appeal from Dona Ana County

This cause having been argued by counsel and submitted to, and taken under advisement by the Court, the Court being now sufficiently advised in the premises announces its decision by Associate Justice Lee, affirming the judgment of the lower Court, for reasons stated in the opinion on file. Chief Justice O'Brien and Associate Justices Seeds and Freeman concurring; whereupon said appellants by their attorney Mr. Catron, move the Court to stay the entry of the judgment herein and for leave to file a motion for rehearing herein by July 23rd 1891. and the Court being sufficiently advised in the premises, grants said motion, and gives leave to said appellants to file a motion for rehearing herein,

454 Lewis G. Jones. Appellant
vs.
Charles Hoover Appellee
} Appeal from District Court of Santa Fe County

Now comes said appellee by his attorney, Mr. Knaebel, and produces in Court here a duly authenticated transcript of record, by which it appears that an appeal has taken from the judgment of the lower Court to this Court, and moves the Court to affirm the said judgment for reasons stated in open Court and the Court, being sufficiently advised in the premises, grants said motion; It is therefore considered and adjudged by the Court that the judgment in this cause of the District Court of Santa Fe County, whence this cause came into this Court, be and the same hereby is affirmed and that in accordance therewith, that the attachment herein be and the same hereby is dissolved, and that all moneys, effects and credits held under or affected thereby be and they hereby are released from the operation thereof. and that said plaintiff and appellant pay the costs of said attachment in the lower Court, and the costs in this Court to be taxed by the Clerk. Execution therefor issue; and it appearing to the Court that James Wills, by L. O. J. Cunningham his duly [illegible] appeal bond herein; It is further